**AWNING & GARAGE DETAILS**

**SCALE:** as noted

**The Roost @ Blake**

**DEVI DUTTA ARCHITECTURE**

**DEVI DUTTA ARCHITECTURE**

**SCALE:** as noted

**DRC-supplemental**

**DEVI DUTTA ARCHITECTURE**

**7.01.15**

---

**METAL AWNINGS MADE WITH 4'-0" X 3'-0" MODULES:**

- **4" METAL CHANNEL FRAME**
- **1" METAL ROD CROSS MEMBERS**

**CREATES NEST-LIKE SHADOWS ON SOUTH & WEST SIDES**

**CHARRED WOOD PANELS (SHOU-SUGI-BAN METHOD):** Wood provides sound attenuation for cars and puzzle stackers machine, and is naturally preserved by charring process.

**1/2" REVEAL, PAINTED BLACK**

**PAINTED SIGNAGE FOR BUILDING ADDRESS AND NAME**

**UP & OVER STYLE GARAGE DOOR OPERATION DOES NOT PROJECT BEYOND FACE OF DOOR**

**1 - GARAGE DOOR DETAILS**

**METAL AWNINGS SIMILAR TO DETAIL 2-**

**GARAGE WALL RECESSED FROM PROPERTY LINE 7'-0"**

**GRAPHIC IMAGES CHARRED INTO WOOD**

**PAINTED SIGNAGE FOR BUILDING ADDRESS AND NAME**

---

**METAL AWNINGS MADE WITH 4'-0" X 3'-0" MODULES:**

- **4" METAL CHANNEL FRAME**
- **1" METAL ROD CROSS MEMBERS**

**CREATES NEST-LIKE SHADOWS ON SOUTH & WEST SIDES**

**CHARRED WOOD PANELS (SHOU-SUGI-BAN METHOD):** Wood provides sound attenuation for cars and puzzle stackers machine, and is naturally preserved by charring process.

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**GRAPHIC IMAGES CHARRED INTO WOOD**

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**GARAGE WALL RECESSED FROM PROPERTY LINE 7'-0"**

**GRAPHIC IMAGES CHARRED INTO WOOD**

**PAINTED SIGNAGE FOR BUILDING ADDRESS AND NAME**

---
1/2" THICK FRITTED & TEMPERED GLASS W/ FINISHED, POLISHED EDGES

CR LAURENCE BRUSHED STAINLESS STEEL STANDARD GLASS RAIL FITTING WITH FACE-MOUNTING PLATE

8" X 4" STEEL PLATE AT RAILING ATTACHMENT POINTS, S.S.D.

METAL DECK EDGE SUPPORT, S.S.D.

IPE SLAT DECKING, DRAINS THROUGH

NOTE: WATERPROOFING AT BUILDING INTERSECTION TO BE REVIEWED BY WATERPROOFING CONSULTANTS

FINISHED METAL FRAMING WITH NO PRE-PUNCHED OPENINGS, S.S.D.; CONNECT THROUGH TO INTERIOR FRAMING

WOOD SLAT PRIVACY SCREEN AT NORTH SIDE OF DECK, TYP

WOOD SLAT PRIVACY SCREEN

WOOD SLAT RAILING W/ PATTERN

FRITTED GLASS RAILING W/ PATTERN

IPE WOOD SLAT DECKING O/METAL JOISTS

UNIT INTERIOR

1- BALCONY PLAN

2- BALCONY ELEVATION

3- DETAIL

BALCONY DETAILS

SCALE: as noted
<table>
<thead>
<tr>
<th>QUANTITY</th>
<th>SYMBOL</th>
<th>BOTANICAL NAME</th>
<th>COMMON NAME</th>
<th>SIZE</th>
<th>WATER REQ.</th>
<th>REFERENCE</th>
<th>SUMMER DRY AS PER EBMD &quot;PLANTS &amp; LANDSCAPES FOR SUMMER-DRY CLIMATES&quot;</th>
<th>ADJACENT TO OBSTRUCTION</th>
<th>PROJECT SPACING</th>
<th>MIN-MAX SPREAD</th>
<th>REFERENCE</th>
<th>INVASIVE</th>
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<tbody>
<tr>
<td>3</td>
<td>ACE-FR</td>
<td>Acer japonica 'Fireglow'</td>
<td>Fireglow Japanese Maple</td>
<td>15 gallon can</td>
<td>Medium</td>
<td>WUCOLS</td>
<td>No</td>
<td>No</td>
<td>Not Applicable</td>
<td>10'-15' H and W</td>
<td>Pacific Maples</td>
<td>No</td>
</tr>
<tr>
<td>14</td>
<td>CER-DO</td>
<td>Cercis occidentalis</td>
<td>Western Redbud</td>
<td>15 gallon can</td>
<td>Very Low</td>
<td>WUCOLS</td>
<td>Yes</td>
<td>Sometimes See Plan</td>
<td>15' Minimum</td>
<td>15'-18' H and W</td>
<td>Sunset WGB</td>
<td>No</td>
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<tr>
<td>9</td>
<td>GARELL</td>
<td>Garrya elliptica</td>
<td>Coast Silktassel</td>
<td>24'' box</td>
<td>Medium</td>
<td>WUCOLS</td>
<td>No</td>
<td>No</td>
<td>Not Applicable</td>
<td>15'-20' H and W</td>
<td>Sunset WGB</td>
<td>No</td>
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<tr>
<td>5</td>
<td>JAPA-TA</td>
<td>Japana slash 'Tamarai'</td>
<td>Japanese Maple</td>
<td>15 gallon can</td>
<td>Medium</td>
<td>WUCOLS</td>
<td>No</td>
<td>No</td>
<td>15'-27' H and W</td>
<td>Sunset WGB</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>5</td>
<td>JOLE-W</td>
<td>Jolee 'Purple Woman'</td>
<td>Purple Star</td>
<td>3' box</td>
<td>Very Low</td>
<td>WUCOLS</td>
<td>No</td>
<td>No</td>
<td>Not Applicable</td>
<td>15'-30' H and W</td>
<td>Sunset WGB</td>
<td>No</td>
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<td>13</td>
<td>AEO-ZWA</td>
<td>Aeonium arboreum 'Zwartkop'</td>
<td>Canary Island Rose</td>
<td>1 gallon can</td>
<td>Low</td>
<td>WUCOLS</td>
<td>Yes</td>
<td>No</td>
<td>Not Applicable</td>
<td>2.5' H and W</td>
<td>Sunset WGB</td>
<td>No</td>
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<td>8</td>
<td>ASP-SPR</td>
<td>Asparagus densiflorus 'Sprenger'</td>
<td>Sprenger Asparagus</td>
<td>1 gallon can</td>
<td>Medium</td>
<td>WUCOLS</td>
<td>Yes</td>
<td>No</td>
<td>Not Applicable</td>
<td>1' H x 1.5' W</td>
<td>Sunset WGB</td>
<td>No</td>
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<tr>
<td>23</td>
<td>CAR-CAL</td>
<td>Cercidiphyllum japonicum</td>
<td>Japanese Maple</td>
<td>15 gallon can</td>
<td>Medium</td>
<td>WUCOLS</td>
<td>Yes (in shade)</td>
<td>No</td>
<td>Not Applicable</td>
<td>1' H x 1.5' W</td>
<td>Sunset WGB</td>
<td>No</td>
</tr>
<tr>
<td>146</td>
<td>CAR-DIV</td>
<td>Carex divulsa</td>
<td>Berkeley Sedge</td>
<td>1 gallon can</td>
<td>Low</td>
<td>WUCOLS</td>
<td>Yes</td>
<td>No</td>
<td>Not Applicable</td>
<td>2' H x 2' W</td>
<td>Sunset WGB</td>
<td>No</td>
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<tr>
<td>21</td>
<td>HEL-SEM</td>
<td>Helictotrichon sempervirens</td>
<td>Blue Oat Grass</td>
<td>1 gallon can</td>
<td>Low</td>
<td>WUCOLS</td>
<td>Yes</td>
<td>No</td>
<td>Not Applicable</td>
<td>2'-3' H x 2'-3' W</td>
<td>Sunset WGB</td>
<td>No</td>
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<tr>
<td>41</td>
<td>HEU-MAX</td>
<td>Heuchera maxima</td>
<td>Island Alum Root</td>
<td>1 gallon can</td>
<td>Medium</td>
<td>WUCOLS</td>
<td>Yes (in shade)</td>
<td>No</td>
<td>Not Applicable</td>
<td>1'-2' H x 3'-4' W</td>
<td>Sunset WGB</td>
<td>No</td>
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<tr>
<td>7</td>
<td>JUN-ELK</td>
<td>Juncus patens 'Elk Blue'</td>
<td>California Grey Rush</td>
<td>1 gallon can</td>
<td>Low</td>
<td>WUCOLS</td>
<td>Yes</td>
<td>No</td>
<td>Not Applicable</td>
<td>2' H x 2' W</td>
<td>Sunset WGB</td>
<td>No</td>
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<tr>
<td>75</td>
<td>LOM-BRE</td>
<td>Lomandra longifolia 'Breeze'</td>
<td>Spiny Headed Mat Rush</td>
<td>1 gallon can</td>
<td>Low</td>
<td>WUCOLS</td>
<td>Yes</td>
<td>No</td>
<td>Not Applicable</td>
<td>2' H x 3' W</td>
<td>Sunset WGB</td>
<td>No</td>
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<tr>
<td>38</td>
<td>CAL-MAC</td>
<td>Calystegia macrostegia</td>
<td>Morning Glory</td>
<td>1 gallon can</td>
<td>Low</td>
<td>WUCOLS</td>
<td>Yes</td>
<td>Plant on Fence</td>
<td>3'-27' H and W</td>
<td>Las Plumas Nursery</td>
<td>No</td>
<td>Yes (native)</td>
</tr>
<tr>
<td>95</td>
<td>SED-ORE</td>
<td>Sedum oreganum</td>
<td>Oregon Stonecrop</td>
<td>4'' pot</td>
<td>Low</td>
<td>WUCOLS</td>
<td>Yes</td>
<td>No</td>
<td>Not Applicable</td>
<td>1.5'-3' H x 1.5'-2' W</td>
<td>Las Plumas Nursery</td>
<td>No</td>
</tr>
</tbody>
</table>

**NOTE:** For more information see the Bay-Friendly Rating Manual.

1. A plant that is adapted to summer dry climates must be identified by a third party reference. Below is a list of sources that qualify with the following classifications:

EBMUD - Plants and Landscapes for Summer-Dry Climates of the San Francisco Bay Region by EBMUD - "infrequent" or "occasional" or "no summer water", plants that are "occasional to moderate" water may qualify if they are in the appropriate climate and exposure.

CNP - California Native Ranks for the Garden by Barrenstien, Foss & O'Brien - "occasional" or "infrequent" or "drought tolerant" or "no water".

SUNSET - Sunset Western Garden Book - "Titile" or "no water".

WUCOLS - Water Use Classification of Landscape Species - "Low" or "Very Low" water.

2. For the column marked "Invasive," use Cal-IPC Don't Plant a Pest List for the San Francisco Bay Area. 

For more information see the Bay-Friendly Rating Manual.
**MULCH NOTES**

1. All or none of the mulch shall be treated with a minimum of three of approved mulch construction materials.

**SOIL AMENEMENT NOTES**

1. Any applications may not be less than 20% of the total area. The soil shall be backfilled with no less than 30% of the total area. The area shall be compacted to a minimum of 20% of the total area.

**RENEWABLE AND RECYCLE LANDSCAPE CONSTRUCTION WASTE**

1. The use of landscape construction materials shall start with the use of recycled materials.

**LAWN SIZE CALCULATIONS**

1. Planting areas shall be calculated based on the following:
   - **Plants per Acre**
     - **Plants per 500 sq. ft.**
     - **Plants per 1000 sq. ft.**
   - Total Project Plants and Area Information

**WEATHER-BASED IRRIGATION CONTROLLER SPECIFICATIONS**

1. All weather-based irrigation controllers shall conform to the following:
   - **Irrigation Zones**
     - **Irrigation Area**
   - **Irrigation Timer**

**SPRINKLER & SPRAY HEADS NOTES**

1. All sprinkler heads shall be of the same type and shall be no more than 12 inches apart. The heads shall be of the same type and shall be no more than 12 inches apart.

**GENERAL NOTES**

1. Horizontal concrete and rebar placement requirements must be met for the construction of the slab. The slab shall be of the same type and shall be no more than 12 inches apart.

**BEST MANAGEMENT PRACTICE NOTES**

1. All storm drain systems shall be designed and constructed in accordance with the applicable regulations.

**ATTACHMENT 1**

**DRC 07-16-2015**

**Page 50 of 53**

**ATTACHMENT 5 - ADMIN RECORD**

**Page 209 of 1544**
19 Calystegia macrostegia (Morning Glory)
20 Erigeron glaucus x Wayne Roderick (Wayne Roderick Daisy)
21 Sedum oreganum (Oregon Stonecrop)
22 Sedum spathulifolium (Cape Blanco Stonecrop)
23
24
25
26
27
Memorandum

To: City of Berkeley Design Review Committee
From: Rhoades Planning Group
Date: July 2, 2015
Re: 2035 Blake Street – Design Responses to Comments Received at June 18 Meeting

The purpose of this memo is to outline the design modifications to the 2035 Blake Street project to respond to comments received from the Committee at its June meeting and provide the basis for approval of the project design at the July meeting. We anticipate any additional design details can be addressed at the Final Design Review phase.

Building Design

1. **Colors and Materials.** Committee members commented that colors and materials needed clarification and refinement. Additionally the dark grey looked too dark, and the green requires a close look to get the right shade.

   *Response:* The plan set submitted for consideration clarifies the proposed materials and color palette. The proposal is for grey metal panel with wood patterned composite wood panel bays. Green elements would still be used as an accent but in more refined locations, demarcating the entryway into the lobby and the garage door. Sheet A29.1 provides one additional color option using grey composite wood panel bays for the Committee’s consideration. At the July meeting, we hope to receive feedback on colors and materials to bring back to the Committee during Final Design Review.

2. **Awning Window Treatments.** Comments were made related to the durability of the materials proposed for the awning window treatments, and that the design should be more substantial/eye-catching.

   *Response:* The window shades have been modified from a wood material to a metalwork that will be more durable, substantial, and eye catching, while still creating varied shadowing.

3. **Massing/East Elevation.** One comment suggested looking carefully at the expression of the massing, especially at the east elevation, and too look carefully at the parapet expression or see about ways to break up the massing.

   *Response:* The east elevation is better articulated with the wood patterned composite wood panel bays, glass railings on balconies, and metal sunshades at the top and corners of the east elevation. The team is open to additional direction on the parapet expression to bring back to the Committee during Final Design Review.
Open Space/Landscape Plan

4. **Central Courtyard Landscape and Materials.** It was suggested to consider adding a hosebib for the dog run area to facilitate washing of the K-9 Grass in that area, as well as to look closely at the plant palette for the podium to consider more shade tolerant plants. A comment was also made about reconfiguring the common patios as more quiet or passive space, given the adjacent units, and to eliminate barbeques in that area to avoid impacts to the adjacent units.

*Response:* See Sheet L2.1 for the added hosebib at the dog area, as well as for revised planting which utilizes shade tolerant plants. The Bay-Friendly Landscape Plant Legend on sheet L2.4 is updated accordingly. Additionally, as per the Bay-Friendly Basic Landscape Checklist on Sheet L2.4, EBMUD's "Plants for Summer-Dry Climates of the San Francisco Bay Region" states "Dry shade if often considered a challenge for gardeners, but a north-facing slope... is the perfect place for many plants. ...most will need less supplemental water. Shade is a plus for the low-water gardener." Also, the Bay-Friendly Basic Landscape Checklist requires that 75% minimum of the plants be listed as "low" or "very low" on the WUCOLS plant list. Even without adjusting the water requirement for shade conditions, 76% of the project plants have a "low" or "very low" water requirement. When adjusted as per the "Plants for Summer-Dry Climates of the San Francisco Bay Region" criteria for shade conditions, 98% of the project plants conform. Additionally, the central courtyard has been redesigned as a more quiet space for residents to be outdoors, eliminating barbeques to avoid impacts to the adjacent units.

5. **Fourth floor west side deck.** A concern was expressed related to the west side deck on the fourth floor compromising privacy or creating impacts for neighbors to the west.

*Response:* With the 5’ setback and addition of planters at west edge of the patio, residents using the fourth floor west deck will be well separated from the adjacent neighbors. Signs will be posted on this patio requesting no noise after 9:00 pm. Additionally, neighbors will be provided with contact information for the resident manager.

6. **Sidewalk Permeability.** The Committee suggested using permeable pavers for the 8’ parkway strip between street trees to reduce the expanse of impermeable sidewalk.

*Response:* Landscape Sheet L2.1 has been revised to include permeable pavers for an 8’ strip at the edge of the sidewalk.

7. **Parklet.** Committee members raised questions about the utility of the parklet.

*Response:* The parklet was designed primarily in response to conversations with neighbors (residential and office/commercial tenants) who stated that, if the proposed commercial space is a café, they would enjoy a parklet as a location to enjoy food and beverages. However, if the commercial space is not food-oriented, they would prefer the parking. The project intention is to find a small café tenant, in which case we believe the parklet is appropriate and desired as an amenity in the neighborhood.
Interior Layout

8. **Bedroom Sizes.** A comment was made related to sizes of bedrooms, suggesting looking closely to ensure all units and bedrooms are livable.

*Response:* Unit layouts have been revised to reposition some closets and ensure all bedrooms are livable. See Sheets A13.1-3 and A16.1-3 for enlarged unit plans. All bedroom sizes far-exceed building code requirements and are characteristic of, if not greater than, typical bedroom and unit sizes in Downtown Berkeley and similar urban areas.
CITY OF BERKELEY
REQUEST TO ADDRESS DESIGN REVIEW COMMITTEE

NAME

(Please Print)

ERIN DIEHM

AGENDA ITEM 2029 Blake Street

(Project Address)

ORGANIZATION REPRESENTED (IF ANY)

________________________

SUPPORT ___ OPPOSITION ___ COMMENTS ONLY X

SIGNATURE

ERIN DIEHM

ADDRESS 2316 Jefferson Ave

PHONE 510-666-0662 DATE July 16, 2015

CITY OF BERKELEY
REQUEST TO ADDRESS DESIGN REVIEW COMMITTEE

NAME Kelly Hemmargren

(Please Print)

AGENDA ITEM 2029 Blake

(Project Address)

ORGANIZATION REPRESENTED (IF ANY)

________________________

SUPPORT ___ OPPOSITION ___ COMMENTS ONLY

SIGNATURE

Kelly Hemmargren

ADDRESS 1709 Bancroft Way

PHONE 510-325-1218 DATE 7-16-15
CITY OF BERKELEY
REQUEST TO ADDRESS DESIGN REVIEW COMMITTEE

NAME ________________

(Please Print)

AGENDA ITEM ________________

(Project Address)

ORGANIZATION REPRESENTED (IF ANY) ________________

SUPPORT _____ OPPOSITION _____ COMMENTS ONLY _____

SIGNATURE ________________

ADDRESS ________________

PHONE ________________ DATE ________________

CITY OF BERKELEY
REQUEST TO ADDRESS DESIGN REVIEW COMMITTEE

NAME ________________

(Please Print)

AGENDA ITEM ________________

(Project Address)

ORGANIZATION REPRESENTED (IF ANY) ________________

SUPPORT _____ OPPOSITION _____ COMMENTS ONLY _____

SIGNATURE ________________

ADDRESS ________________

PHONE ________________ DATE ________________
CITY OF BERKELEY
REQUEST TO ADDRESS DESIGN REVIEW COMMITTEE

NAME  Kate Gladstein  
(Please Print)

AGENDA ITEM  2028 Blake St. 
(Project Address)

ORGANIZATION REPRESENTED (IF ANY)  Rhodes Planning Group  

SUPPORT  X  OPPOSITION  COMMENTS ONLY  

SIGNATURE  

ADDRESS  1212 Neilson 

PHONE  
DATE  7/16  

---

CITY OF BERKELEY
REQUEST TO ADDRESS DESIGN REVIEW COMMITTEE

NAME  DENI DUTTA  
(Please Print)

AGENDA ITEM  2035 Blake  
(Project Address)

ORGANIZATION REPRESENTED (IF ANY)  
DENI DUTTA ARCHITECTURE  

SUPPORT  OPPOSITION  COMMENTS ONLY  

SIGNATURE  

ADDRESS  70 Northgate Ave  

PHONE  
DATE  7/16
2029-2035 Blake – The Roost @ Blake

Use Permit #ZP2014-0069 to demolish two existing non-residential buildings and construct a new 5-story mixed-use project with 82 residential units, two live/work units, a 1,896 sq. ft. ground-floor retail space, 68 auto parking spaces in a basement level garage, and 67 bike parking spaces.

I. Background

A. Land Use Designations:
   - General Plan: AC (Avenue Commercial)
   - Zoning: C-SA (Commercial - South Area)

B. Zoning Permits Required:
   - Use Permit for demolition of existing commercial structures, under BMC Section 23C.08.050.A;
   - Administrative Use Permit for rooftop equipment and architectural elements that would exceed the District’s high limit, under 23E.04.020.C;
   - Use Permit for a mixed-use development of more than 5,000 square feet, under BMC Section 23E.52.030.A;
   - Use Permit for live/work units, under BMC Section 23E.52.030.A;
   - Administrative Use Permit to allow a quick or a full service restaurant with more than 1,000 square feet, under BMC Section 23E.52.030.A;
   - Administrative Use Permit for alcoholic beverage service of beer and wine incidental to food service at a quick or a full service restaurant, under BMC Section 23E.52.030.A;
   - Use Permit for construction of more than 3,000 square feet of gross floor area, under BMC Section 23E.52.050;
   - Use Permit to reduce the front yard setback from 15 feet to 0-4 feet, reduce the rear yard setback from 17 feet to 15 feet on the fourth floor, reduce the west side yard setback from 6 feet to 5 feet on the third floor, reduce east side yard setback from 4 feet to 0 feet on the first and second floors, from 6 feet to 0 feet on the third floor, and from 10 to 8 feet on the fifth floor, (see Table 4 for greater detail), under BMC 23E.52.070.D.7;
Use Permit to increase the maximum lot coverage to 71.4%, when the maximum is 35%, under BMC 23E.52.070.D.7; and
Use Permit to modify or waive approximately 1 residential parking space under 23E.52.070.D.7.

C. CEQA Determination: Categorically exempt pursuant to Section 15332 of the CEQA Guidelines ("Infill"). The project meets all of the requirements of this exemption, as follows:
   a. The project is consistent with the applicable General Plan designation and policies, and with the applicable zoning designation and regulations.
   b. The project occurs within the Berkeley City limits on a project site of no more than five acres, and is surrounded by urban uses.
   c. The parcels within the project site have previously been developed and have no value as habitat for endangered, rare or threatened species.
   d. The project would not result in any significant effects relating to traffic, noise, air quality or water quality. The Traffic Impact Analysis prepared for the project was reviewed by the City Transportation Division and concur with the findings of less than significant impacts. City Standard Conditions will address potential impacts related to traffic, noise, air quality, and water quality.
   e. The site is already served by required utilities and public services, which will also adequately serve the project.

Furthermore, the project does not trigger any of the exceptions in CEQA Guidelines Section 15300.2. In particular, the project will not have any significant effects due to unusual circumstances, nor any cumulatively significant impacts (such as traffic), nor will it adversely impact any designated historical resources. The existing buildings are not designated historical resources, and the LPC declined to initiate them for City landmark status at their meeting in September 2012.

The site is not included on any list of hazardous waste sites compiled pursuant to Government Code Section 65962.5. A Phase I Environmental Site Assessment was conducted and the recommendations of that assessment are included as a Condition of Approval. City Standard Conditions will further address potential impacts related to hazardous materials.

D. Parties Involved:
   - Applicant  Rhoades Planning Group; 1611 Telegraph Avenue, Suite 200, Oakland, CA 94612
   - Property Owner  2035 Blake Street, LLC, 1958 A University Avenue, Berkeley CA  94704
Figure 1a: Vicinity Map

Figure 1b: Zoning Map
Figure 2: Surrounding Buildings
Figure 3: Proposed Site Plan
Figure 4: Proposed South Elevation

Figure 5: Proposed East Elevation
Figure 6: Proposed West Elevation

![Proposed West Elevation](image1)

Figure 7: Proposed North Elevation

![Proposed North Elevation](image2)
Table 1: Land Use Information

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Use</th>
<th>Zoning District</th>
<th>General Plan Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject Property</td>
<td>Auto Repair</td>
<td>C-SA, South Area Commercial</td>
<td>AC, Avenue Commercial</td>
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<tr>
<td>Surrounding</td>
<td>North</td>
<td>R-4, Multi-family Residential</td>
<td>HDR, High Density Residential</td>
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<tr>
<td>Properties</td>
<td>South</td>
<td>C-SA, South Area Commercial</td>
<td>AC, Avenue Commercial</td>
</tr>
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<td></td>
<td>East</td>
<td>C-SA, South Area Commercial</td>
<td>AC, Avenue Commercial</td>
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<tr>
<td></td>
<td>West</td>
<td>R-4, Multi-family Residential</td>
<td>HDR, High Density Residential</td>
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Table 2: Special Characteristics

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<tr>
<th>Characteristic</th>
<th>Applies to Project?</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Affordable Child Care Fee for qualifying non-residential</td>
<td>No</td>
<td>Proposed project includes less than 7,500 square feet of commercial use.</td>
</tr>
<tr>
<td>projects (Per Resolution 66,618-N.S.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Affordable Housing Fee for qualifying non-residential</td>
<td>No</td>
<td>Proposed project includes new housing and is thus exempt from this fee.</td>
</tr>
<tr>
<td>projects (Per Resolution 66,617-N.S.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Affordable Housing Mitigations for rental housing projects</td>
<td>Yes</td>
<td>The applicant is proposing either to pay the in-lieu fee or to provide 8 below market rate units (affordable to Very Low-Income Households) and an in-lieu fee for 0.2 unit.</td>
</tr>
<tr>
<td>(Per BMC 22.20.065)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alcohol Sales/Service</td>
<td>Yes</td>
<td>Incidental service of beer and wine requested at proposed full-service or quick-service restaurant.</td>
</tr>
<tr>
<td>Creeks</td>
<td>No</td>
<td>No open or culverted creeks within 25 feet of the project site.</td>
</tr>
<tr>
<td>Density Bonus</td>
<td>No</td>
<td>This project is not proposing a Density Bonus.</td>
</tr>
<tr>
<td>Green Building Score</td>
<td>No</td>
<td>123 points (out of 381), GreenPoint Rates, New Home Multifamily Checklist; Certification Level: Gold</td>
</tr>
<tr>
<td>Historic Resources</td>
<td>No</td>
<td>The demolition of the existing buildings was referred to the Landmarks Preservation Commission on March 5, 2015. The LPC took no action to initiate a Landmark or Structure-of-Merit designation.</td>
</tr>
<tr>
<td>Oak Trees</td>
<td>No</td>
<td>None present.</td>
</tr>
<tr>
<td>Rent Controlled Units</td>
<td>No</td>
<td>Existing uses on the site are auto repair.</td>
</tr>
<tr>
<td>Traffic</td>
<td>Yes</td>
<td>A traffic study was prepared and determined that the project would generate 43 AM and 46 PM peak hour vehicle trips. This study concluded that the additional traffic associated with the project would not significantly impact nearby intersections.</td>
</tr>
<tr>
<td>Seismic Hazards</td>
<td>No</td>
<td>Site is not located in any mapped seismic hazard or flood zone.</td>
</tr>
</tbody>
</table>
Soil/Groundwater Contamination | Yes | Phase I report identified three hydraulic hoists and two hydraulic oil reservoir tanks related to the existing and previous land uses. Recommendations include the removal of the hydraulic hoists and reservoir tanks, and the administration of an asbestos containing materials and lead based paint survey at the property.

Table 3: Project Chronology

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>November 24, 2014</td>
<td>Application submitted</td>
</tr>
<tr>
<td>January 20, 2015</td>
<td>Revised application materials submitted</td>
</tr>
<tr>
<td>February 27, 2015</td>
<td>Revised application materials submitted</td>
</tr>
<tr>
<td>March 5, 2015</td>
<td>LPC meeting for Demolition Referral (no action taken)</td>
</tr>
<tr>
<td>March 20, 2015</td>
<td>Application deemed complete</td>
</tr>
<tr>
<td>May 21, 2015</td>
<td>DRC hearing for Preliminary Design Review (continued)</td>
</tr>
<tr>
<td>June 18, 2015</td>
<td>DRC hearing for Preliminary Design Review (continued)</td>
</tr>
<tr>
<td>July 16, 2015</td>
<td>DRC hearing for Preliminary Design Review (forwarded favorable recommendation)</td>
</tr>
<tr>
<td>October 29, 2015</td>
<td>Public hearing notices mailed/posted</td>
</tr>
<tr>
<td>November 12, 2015</td>
<td>ZAB hearing</td>
</tr>
</tbody>
</table>
### Table 4: Development Standards

<table>
<thead>
<tr>
<th>Standard</th>
<th>Existing</th>
<th>Addition/ (Reduction)</th>
<th>Proposed Total</th>
<th>Permitted/ Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area (sq. ft.)</td>
<td>22,688</td>
<td>0</td>
<td>22,688</td>
<td>no Min</td>
</tr>
<tr>
<td>Gross Floor Area (sq. ft.)</td>
<td>14,910</td>
<td>67,911</td>
<td>82,821</td>
<td>no Max</td>
</tr>
<tr>
<td>Floor Area Ratio</td>
<td>0.7</td>
<td>--</td>
<td>3.6</td>
<td>4.0 Max</td>
</tr>
<tr>
<td>Dwelling Units</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>0</td>
<td>82</td>
<td>82</td>
<td>--</td>
</tr>
<tr>
<td>Affordable</td>
<td>0</td>
<td>8.2</td>
<td>8.2a</td>
<td>8.2</td>
</tr>
<tr>
<td>Building Height</td>
<td>Average (ft.)</td>
<td>&lt;18</td>
<td>42</td>
<td>29.4'</td>
</tr>
<tr>
<td>Building Setbacks (ft.)</td>
<td>Average 60' max</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stories</td>
<td>1</td>
<td>4</td>
<td>5</td>
<td>5 Max</td>
</tr>
<tr>
<td>Front (Blake St.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1st Story</td>
<td>0</td>
<td>0 to 4</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>2nd Story</td>
<td>--</td>
<td>0 to 4b</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>3rd Story</td>
<td>--</td>
<td>0 to 4b</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>4th Story</td>
<td>--</td>
<td>0 to 4b</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>5th Story</td>
<td>--</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear (north)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1st Story</td>
<td>0</td>
<td>15</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>2nd Story</td>
<td>--</td>
<td>15 to 20</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>3rd Story</td>
<td>--</td>
<td>15 to 20</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>4th Story</td>
<td>--</td>
<td>15 to 20</td>
<td>17</td>
<td></td>
</tr>
<tr>
<td>5th Story</td>
<td>--</td>
<td>20</td>
<td>19</td>
<td></td>
</tr>
<tr>
<td>Left Side (west)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1st Story</td>
<td>0</td>
<td>5 to 24'6&quot;</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>2nd Story</td>
<td>--</td>
<td>5 to 24'6&quot;</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>3rd Story</td>
<td>--</td>
<td>5 to 24'6&quot;</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>4th Story</td>
<td>--</td>
<td>24'6&quot;</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>5th Story</td>
<td>--</td>
<td>24'6&quot;</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Right Side (east)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1st Story</td>
<td>0</td>
<td>0 to 13</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>2nd Story</td>
<td>--</td>
<td>0 to 13</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>3rd Story</td>
<td>--</td>
<td>0 to 13</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>4th Story</td>
<td>--</td>
<td>8 to 13</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>5th Story</td>
<td>--</td>
<td>8 to 15</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Lot Coverage (%)</td>
<td>66</td>
<td>(5)</td>
<td>71.4</td>
<td>35 Max</td>
</tr>
<tr>
<td>Usable Open Space (sq. ft.)</td>
<td>--</td>
<td>5,955</td>
<td>5,955</td>
<td>3,360 Min</td>
</tr>
</tbody>
</table>

### Notes:

a. The applicant is proposing either to pay the in-lieu fee or to provide 8 below market rate units (affordable to Very Low-Income Households) and an in-lieu fee for 0.2 unit.

b. Some areas include a 2 foot projection.
c. For non-residential uses, the first 1,000 sq. ft. of use is subtracted prior to calculating the required parking. The 1,000 sq. ft. is pro-rated for the two non-residential uses as follows:
   • 2,585 sq. ft. of live/work space proposed, it is 64% of the total 4,066 sq. ft non-residential use, 64% of the 1,000 sq. ft. reduction is 640 sq. ft, 2,585 minus 640 equals 1,946 sq. ft.; one space is required per 1,000 sq. ft. of use so 2 spaces are required.
   • 1,481 sq. ft. of commercial space proposed, it is 36% of the total 4,066 sq. ft non-residential use, 36% of the 1,000 sq. ft. reduction is 360 sq. ft., 1,481 minus 360 equals 1,121 sq. ft. and one space is required per 300 sq. ft. of restaurant use so 4 spaces are required.

d. Commercial uses include retail and restaurant uses. The numbers above reflect a restaurant use. If retail use is pursued, 4 automobile and 1 bicycle parking spaces would be required. Please note that their application includes an AUP for a restaurant and an AUP for alcohol beverage service incidental to food service.

e. The applicant shows 7 additional spaces, 5 on the sidewalk and 2 on the parklet; however, only spaces on private property are counted.

f. Per 23E.52.070.D.7, the Board may grant a Use Permit to modify height, setbacks and lot coverage.

g. Per 23E.52.080.E, the Board may grant a Use Permit to modify the automobile parking requirement.
II. Project Setting

A. Neighborhood/Area Description:
The project site is located on the north side of Blake Street in the South Area Commercial zoning district, to the west of Shattuck Avenue and to the east of Milvia Street. The area to the north and west is in the Multi-Family Residential zoning district (R-4) and is characterized by a mixture of medium- to high-density residential buildings and medical buildings, as well as commercial buildings. The area to the south and east is in the South Area Commercial zoning district and is characterized by a mixture commercial, mixed use, and residential uses. The Project site is 0.6 miles from the Downtown Berkeley BART station and 0.8 miles from the Ashby BART station. AC Transit lines 18 and F run on Shattuck Avenue, less than one block from the Project site and AC Transit line 49 runs on Dwight Way, approximately one block from the Project site. (In addition, there are 15 AC Transit lines with connections at the Downtown Berkeley BART Station.) The site is within the Adeline Corridor Plan Area (the north end is Dwight Way), which is currently underway.

B. Site Conditions:
The 22,692 square foot project site is generally level with a slight decrease in elevation to the west. It consists of three parcels which are developed as follows:

- **2029 Blake Street**: This 8,420 square foot parcel includes a one-story 8,330 square foot building, which covers the majority of the site. The building is currently used as a commercial auto repair garage by Hustead’s Collision Center, Inc.
- **2033 Blake Street**: This 7,779 square foot parcel includes a paved surface parking lot that is used by Hustead’s Collision Center, Inc.
- **2035 Blake Street**: This 6,483 square foot parcel includes a one-story plus mezzanine 9,750 square foot building, which covers the majority of the site. The building is currently used as a warehouse by Airport Home Appliances.

III. Project Description

The proposed project would demolish an existing warehouse and a commercial auto repair garage, and construct a new mixed-use building. The new building would have the following main components:

- Five residential levels with a total of 82 units, comprised of: 32 studios, 34 one-bedroom units, and 16 two-bedroom units;
- Two live/work units on the ground floor;
- 1,896 square feet of full or quick-service restaurant space on the ground floor, with incidental service of beer and wine (this space may also be used for retail use);
• Subsurface parking garage for 68 vehicles, including 52 puzzle stacker spaces and 16 surface parking spaces. Of the 16 surface parking spaces, four would be accessible, and all would be EV-ready;
• 60 secure bicycle parking spaces in the subsurface parking garage and seven bicycle parking spaces adjacent to the site;
• Open Space provided in an approximately 2,215 square foot courtyard on the ground floor, a 630 square foot deck and 520 square foot deck on the fourth floor, a 1,1170 square foot roof deck, plus approximately 5,000 square feet of additional private open space through smaller decks and patios; and,
• Approximately 400 square foot parklet within the Blake Street right of way.

IV. Community Discussion

A. Neighbor/Community Concerns: Prior to submitting the application to the City, the applicant erected a yellow pre-application poster at the project site. On September 22, 2014 the project team held a community meeting at the project site. Prior to the meeting, notices were sent to all owners and occupants within 300 feet of the project site. Additionally, three days prior to the community meeting, the project team handed out flyers to residents and commercial/office tenants. Eight members of the public attended and signed in, and it was reported by the applicant than others stopped by and spoke with the project team.

On October 29, 2015, the City mailed public hearing notices to property owners and occupants, and to interested neighborhood organizations and the City posted notices within the neighborhood in three locations. At the time of this writing, staff has received one received communication regarding the project, expressing concerns with traffic and project construction, as well as affordable housing.

B. Landmarks Preservation Commission: The project involves the demolition of two commercial buildings over 40 years in age. Information on the two building was provided in DPR 523 forms recorded on November 24, 2014 by Preservation Architect Mark Hulbert. The DPR 523 forms supported the conclusion that these small-scale, simple, utilitarian one-part commercial buildings with some loss of integrity do not appear to meet City Landmark nor California Register criteria in that they do not individually possess distinctive architectural characteristics, nor merit designation for associations with people or events. In addition, the buildings do not meet Structure of Merit criteria in that they do not appear to contribute to any historic resource clusters in the area. Pursuant to BMC Section 23C.08.050.C, the proposed demolition was brought before the Landmarks Preservation Commission (LPC) for review prior to consideration for the Use Permit. At the March 5, 2015 LPC meeting, the LPC took no action to initiate a Landmark or Structure-of-Merit designation.

C. Design Review Committee: The Design Review Committee (DRC) held a preliminary review of the project on May 21, 2015, June 18, 2015, and July 16, 2015. At the July 16, 2015 meeting the
DRC gave a favorable recommendation to ZAB [(Goring, Anno) VOTE (6-0-0-1) Hall – absent]. The summary of the July 16 meeting is included as Attachment 3.
V. Issues and Analysis

A. Neighborhood Compatibility (use and setbacks):

The proposed project will redevelop two single-story auto oriented commercial buildings and a surface parking lot with a five-story primarily residential mixed-use building. The project site is located in the South Area Commercial (C-SA) zoning district which extends along Shattuck Avenue south of Downtown, and the area to the east and south of the site is also in the C-SA district. Properties to the east and south consist of one- to two-story commercial buildings and surface parking lots; ground floor uses are exclusively commercial while second story uses vary. The area to the north and west of the project site is in the Multi-Family Residential zoning district (R-4) and buildings adjacent to the site consist of one- to four-story residential buildings; however, other properties further west and north include commercial, medical and medical office use. The primarily residential mixed-use project would be similar to and compatible with the adjacent uses, and uses in the vicinity.

As described in detail below, the proposed setbacks and building articulation result in a building that is compatible with the design and character of the district and the existing buildings in the adjacent residential district. In addition, the architectural character of the building uses changes in material to further break up the building’s massing. As noted above, at their July 16, 2015 meeting, the DRC gave a favorable recommendation to ZAB.

Southern Elevation (Blake Street). Along Blake Street, across from two-story commercial buildings also in the C-SA district, the proposed project would have a 0 to 4 foot setback on the first through fourth floors, as well as bays on second through fourth floors that project 2 feet over the public right of way (sidewalk). The fifth floor would be set back 4 feet. As the subject lot is adjacent to a residential district (R-4), the minimum depth of the front yard is required to be the same as specified for the residential district, 15 feet. As the three buildings to the west and the one building to the east (at the corner of Blake Street and Shattuck Avenue) are built to the property line, and the commercial buildings across Blake Street are set back approximately 4 feet, this reduced setback is compatible with the design and character of the district and the existing buildings in the adjacent residential district.

Eastern Elevation. The eastern elevation is adjacent to the other properties in the C-SA district; however, the 4 foot setback of the R-4 district is required. On the ground floor, at the front (southeast) corner, no setback is proposed, but behind that element the middle section of building is setback at an angle, and the setback ranges from 10 to 13 feet. At the northeast corner, the building is set back 10 feet. On floors two and three, there is notch cut out north of the corner, and in the building area that extends on an angle, private decks extend from some units. On the fourth floor the building is setback 8 to 13 feet where 8 feet is required. On the fifth floor, the building is setback 8 to 15 feet where 10 feet is required. The varying setbacks and articulation of the building provides a respectful transition from the one- to two-story commercial buildings currently fronting Shattuck Avenue. The reduced setbacks are compatible
Western Elevation. The western elevation is adjacent to the R-4 district, and adjacent buildings consist of a single-story residential building on Blake Street and on the property line, a two-story residential building setback approximately 18 feet from Blake Street and four feet from the property line, and a two-story residential building set back approximately 65 feet from Blake Street and four feet from the property line.

The western elevation includes setbacks and articulation similar to the eastern elevation. On the ground floor, at the front (southwest) corner, a 5 foot setback is proposed for floors one through three, where a 4 foot setback is required on floors one and two and a 6 foot setback is required on floor three. This building elements extends back approximately 29 feet. The mid to rear portion of the building is setback 24 feet 6 inches at floor one through three, and the entire building is setback this distances on floors four and five. Private patios/decks extend west from serval units; three private patios are provided on the first floor, and two private decks, extending 6 feet, are provided on floors two, three, and five. The fourth floor includes a shared deck and a private deck on the roof of the three story building element at the southwest corner. The reduced building height in proximity to the adjacent single story building, and the 24 foot 6 inch setback on the balance of building in this area are compatible with the design and character of the district and the existing buildings in the residential district.

Northern Elevation. The northern elevation is adjacent to the R-4 district, and adjacent buildings consist of a single-story, two-story, three-story and four-story residential building. The single-story building is set back approximately 1 foot, while the two-, three- and four-story buildings are set back approximately 38, 15 and 40 feet respectively. The first through fourth floors of the proposed building are set back 15 to 20 feet and the fifth floor is set back 20 feet. (The required setbacks are 15 feet for floors one through three, 17 feet for floor four and 19 feet for floor five.) The building is a “U” shape, with an approximately 2,215 square foot courtyard on the ground floor which provides greater articulation of the building as viewed from the north. Within the 15 foot rear-yard setback, a 10 foot-wide “bio filtration area” is proposed that will be landscaped accordingly. A 6-foot tall wood fence is proposed along this property line. The primarily 15 to 20 foot setbacks on the north and the associated building articulation, provides a respectful transition from the one- to four-story residential buildings to the north.

B. Lot Coverage:
The existing lot coverage of the site is 66% - the two building cover the entirety of their lots and the third lot is a surface parking lot. For commercial uses in the C-SA, there is no limitation on lot coverage. Implementation of the proposed mixed-use project would result in a lot coverage of 71.4%. For the residential portion of a mixed use development, the coverage shall be the same as the R-4 district, which for a building with 4 to 6 stories on an interior lot is 35%. The applicant notes, that if
measuring the building above the podium (the majority of which is now below grade) the lot coverage would be 61%, which is less than the existing lot coverage.

Redevelopment of the site would move the buildings to the southeast, providing increased setbacks from the one to two story residential uses adjacent to the west and north (at the northwest corner). In proximity to the single story building at the front of the lot at 2023 Blake Street, the proposed building would be set back five feet from the property line and would be three stories. In proximity to the two-story buildings on that same property (2023 Blake Street), the proposed building would be setback 24'6" and would be five stories. In proximity to the one-story building at 2022 Dwight Way, the proposed building would be set back 15 to 20 feet and would be five stories. (All setbacks are described in greater detail above). Lot coverage is another way to analyze building bulk, and as described above, the proposed setbacks and building articulation result in a building that is compatible with the design and character of the district and the existing buildings in the adjacent residential district. In addition, the architectural character of the building uses changes in material to further break up the building’s massing. In addition, at their July 16, 2015 meeting, the DRC gave a favorable recommendation to ZAB.

C. Sunlight/Shadows:
The shadow studies submitted by the applicant detail the new shadows from the proposed project, and are summarized below.

- **June 21.** Morning shadows are cast to west across the adjacent one- to two-story residences, and net new shadows would be cast on their eastern elevations and roofs. These two residences are set back approximately three feet nine inches from their eastern property line, and under existing conditions, the one-story structure at 2029 Blake extends along the entire property line. The proposed project would be set back five to fourteen feet, which would allow increase in reflected light to reach these areas. Noon time shadows are primarily contained on site and evening shadows are cast to the southeast across commercial properties. The shadow impacts of the project are to be expected in this urbanized area and would not detrimental.

- **December 21.** Morning shadows are cast to the northwest, across the adjacent one- to two-story residences to the west as well as the one- to four-story residences to the north. As described above, the two residences to the west are close to their eastern property line, and the existing one-story structure at 2029 Blake is on the property line. The proposed project would provide greater setbacks which would allow increase in reflected light to reach these areas. A similar argument can be made for the single story residence setback approximately one foot from the north property line. Regarding the residences to the north, where new shadow will be cast in the morning, as well as noon and evening across the rear of the buildings. The proposed building meets or exceed the required setbacks in this area, and approximately 30 foot by 70 foot courtyard within the “U” of the building lines up with the three-story residence at 2059 Dwight Way, which has an approximately 15 foot setback from the mutual property line. The shadow impacts of the project are to be expected in this urbanized area and would not be detrimental.
D. Parking:
The proposed project would include a subsurface parking garage for 68 vehicles, comprised of 52 puzzle stacker spaces and 16 surface parking spaces. Of the 16 surface parking spaces, four would be accessible, and all would be EV-ready. Of the 68 spaces, 63 spaces would be allocated for the residential use, which meets the requirement of one space per 1,000 square feet of gross floor area. For the proposed live/work use, two parking spaces are required and two are provided. For the proposed commercial use, it is assumed that a restaurant would be the tenant, given the requested permit for quick or full service restaurant and alcoholic beverage service incidental to food service; four parking spaces are required and three are provided. (Detailed calculations for the required live/work and commercial parking requirements are included in footnote C below Table 4.)

As described in BMC 23E.52.080.E., the Board may reduce the off-street parking requirements in any portion of a mixed use project in the C-SA District, subject to the Findings in BMC 23E.28.140. As described below, implementation of the proposed Project will increase the number of on-street parking spaces in front of the property from eight to 11. In addition, the project is in close proximity to transit. The Project site is 0.6 miles from the Downtown Berkeley BART station and 0.8 miles from the Ashby BART station. AC Transit lines 18 and F run on Shattuck Avenue, less than one block from the Project site and AC Transit line 49 runs on Dwight Way, approximately one block from the Project site. (There are 15 AC Transit lines with connections at the Downtown Berkeley BART Station.) In addition, the proposed Project includes a quick or full service food service establishment, and there are goods and services available, including restaurants, cafes, yoga and exercise studios, and hair salons, on Blake Street and Shattuck Avenue.

The proposed Project will meet the purposes of the district related to the support for alternative transportation. The proposed 82 residential units will increase the population in proximity to transit and will improve the pedestrian experience through building design and landscaping. The project includes on-site bicycle parking and is less than one block from the Milvia Street Bicycle Boulevard. In addition, the Project, will be required to provide one Clipper Card per residential unit, no Residential Permit Parking (RPP) permits shall be issued to project residents, and all residential parking spaces shall be leased or sold separate from the rental or purchase of dwelling units.

There is diagonal parking in front of the Project site on Blake Street. The Project would remove three existing curb cuts and create one new curb cut. Area adjacent to existing curb cuts could be striped to accommodate parking at the same time two parking spaces would be required to be removed west of the proposed curb cut to allow adequate site distance. The Project proposes a parklet within the Blake Street right-of-way in front of the commercial space, which would remove two parking spaces. With project implementation, the number of on-street parking spaces in front of the property would change from eight to 11.
The Project would include a bike parking and bike repair area for the residents in the parking garage. Stacked bike parking would have capacity for 60 bicycles. Seven bike parking spaces would be project adjacent to the site on the sidewalk and parklet; however, one on-site bicycle parking space is required for the commercial use. A Condition of Approval has been added to address this issue.

Additionally, the provision of transit passes, the ineligibility for RPPs, as well as the project’s proximity to public transit, jobs, goods and services, and Downtown Berkeley and the University, will help reduce car ownership and ensure that parking demand does not exceed the project’s parking supply. Staff does not believe there will be undue parking impacts to the neighborhood.

E. General and Area Plan Consistency:

**General Plan Policy:** The 2002 General Plan contains several policies applicable to the project, including the following:

1. **Policy LU-3 Infill Development:** Encourage infill development that is architecturally and environmentally sensitive, embodies principles of sustainable planning and construction, and is compatible with neighboring land uses and architectural design and scale.

2. **Policy LU-27 Avenue Commercial Areas:** Maintain and improve Avenue Commercial areas, such as University, San Pablo, Telegraph, and South Shattuck, as pedestrian-friendly, visually attractive areas of pedestrian scale and ensure that Avenue areas fully serve neighborhood needs as well as a broader spectrum of needs.

3. **Policy UD-17 Design Elements:** In relating a new design to the surrounding area, the factors to consider should include height, massing, materials, color, and detailing or ornament.

4. **Policy UD-24 Area Character:** Regulate new construction and alterations to ensure that they are truly compatible with and, where feasible, reinforce the desirable design characteristics of the particular area they are in.

**Staff Analysis:** Please see the discussion under Key Issue A above. In addition, the project will improve the South Shattuck Avenue Commercial area by redeveloping a site that includes single-story storage and auto use buildings and a surface parking lot with a five-story mixed-use building that supports increased housing opportunities, neighborhood serving commercial space, and live/work spaces. The proposed Project allows people to both live and work in proximity to Shattuck Avenue, helping to secure it as a mixed-use neighborhood. The architectural design, including bays and vertical elements to break up massing from the sidewalk, ground floor commercial use and a small public parklet support the pedestrian scale of the commercial avenue.
5. **Policy H-19–Regional Housing Needs:** Encourage housing production adequate to meet the housing production goals established by ABAG’s Regional Housing Needs Determination for Berkeley.

   **Staff Analysis:** The Project is subject to Affordable Housing Mitigations for rental housing projects (Per BMC 22.20.065). The applicant is proposing either to pay the in-lieu fee or to provide 8 below market rate units (affordable to Very Low-Income Households) and an in-lieu fee for 0.2 unit. The Project is subject to the Affordable Housing Mitigations for rental housing projects (Per BMC 22.20.065). The applicant is proposing either to pay the in-lieu fee or to provide 8 below market rate units (affordable to Very Low-Income Households) and an in-lieu fee for 0.2 unit.

6. **Policy LU-7–Neighborhood Quality of Life, Action A:** Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area. As described above, the demolition of the existing buildings was referred to the Landmarks Preservation Commission on March 5, 2015 and the LPC took no action to initiate a Landmark or Structure-of-Merit designation.

   **Staff Analysis:** Please see the discussion under Key Issues A and C above.

7. **Policy UD-32–Shadows:** New buildings should be designed to minimize impacts on solar access and minimize detrimental shadows.

   **Staff Analysis:** Please see the discussion under Key Issue C above.

8. **Policy LU-23–Transit-Oriented Development:** Encourage and maintain zoning that allows greater commercial and residential density and reduced residential parking requirements in areas with above-average transit service such as Downtown Berkeley.

   **Staff Analysis:** The Project site is 0.6 miles from the Downtown Berkeley BART station and 0.8 miles from the Ashby BART station. AC Transit lines 18 and F run on Shattuck Avenue, less than one block from the Project site and AC Transit line 49 runs on Dwight Way, approximately one block from the Project site. In addition, there are 15 AC Transit lines with connections at the Downtown Berkeley BART Station.

9. **Policy EM-5–“Green” Buildings:** Promote and encourage compliance with “green” building standards. (Also see Policies EM-8, EM-26, EM-35, EM-36, and UD-6.)

10. **Policy UD-33–Sustainable Design:** Promote environmentally sensitive and sustainable design in new buildings.

   **Staff Analysis:** Under the Greenpoint rating system that the City requires all new housing to complete, this project would achieved a “Gold” rating. The environmentally sustainable elements include the density and transit orientation,
mixed-use character, interior and exterior finishes and materials, solar residential hot water, flow-through planters or a biofiltration area, solar shading at the south and west sides, and amenities such as bicycle parking.

**South Berkeley Area Plan:** The South Berkeley Area Plan, adopted in 1990, also contains several policies applicable to the project, including the following:

1. **Housing Element Policy 3.7:** Encourage the construction of new affordable housing units.

   **Staff Analysis:** The Project is subject to Affordable Housing Mitigations for rental housing projects (Per BMC 22.20.065). The applicant is proposing either to pay the in-lieu fee or to provide 8 below market rate units (affordable to Very Low-Income Households) and an in-lieu fee for 0.2 unit.

2. **Housing Element Policy 3.10:** Locate higher density housing in area with easy access to retail activity, the workplace, and public transportation.

   **Staff Analysis:** The Project site is 0.6 miles from the Downtown Berkeley BART station and 0.8 miles from the Ashby BART station. AC Transit lines 18 and F run on Shattuck Avenue, less than one block from the Project site and AC Transit line 49 runs on Dwight Way, approximately one block from the Project site. (There are 15 AC Transit lines with connections at the Downtown Berkeley BART Station.) In addition, the proposed Project includes a quick or full service food service establishment, and there are goods and services available, including restaurants, cafes, yoga studios, crossfit, and hair salons, on Blake Street and Shattuck Avenue.

3. **Housing Element Policy 5.2:** Ensure that useable open space improvements are integrated into new housing and mixed use developments.

   **Staff Analysis:** The Project would provide open space in excess of the required 3,360 square feet. It would include an approximately 2,215 square foot courtyard on the ground floor, a 630 square foot deck and 520 square foot deck on the fourth floor, a 1,170 square foot roof deck, plus approximately 5,000 square feet of additional private open space through smaller decks and patios.

4. **Land Use Policy A. 1:** Preserve the character and quality of life of residential areas.

5. **Land Use Policy C.1.2:** Regulate mixed development to ensure compatibility with adjacent residential neighborhoods.

   **Staff Analysis:** Please see the discussion under Key Issue A above.

**South Shattuck Strategic Plan:** The South Shattuck Strategic Plan, adopted in 1998, contains policies that encouraged economic development on Shattuck Avenue.
and Adeline Street between Dwight Way and Ashby Avenue. In general the plan encourages mixed-use development and transit friendly policies on Shattuck Avenue. The proposed Project is in the C-SA district, but does not front Shattuck Avenue. The mixed use Project would support businesses on Shattuck Avenue through the increased population on the site, pedestrian friendly design and landscape, and ground floor commercial uses.

VI. Recommendation

Because of the project’s consistency with the Zoning Ordinance and General Plan, and minimal impact on surrounding properties, staff recommends that the Zoning Adjustments Board:

A. APPROVE Use Permit # ZP2014-0069 pursuant to Section 23B.32.040 and subject to the attached Findings and Conditions (see Attachment 1).

Attachments:

1. Findings and Conditions
2. Project Plans, dated October 30, 2015
3. DRC Summary – July 16, 2015
4. Notice of Public Hearing
5. Correspondence Received

Staff Planner: Shannon Allen, ShAllen@cityofberkeley.info, (510) 981-7430
2029 Blake Street – The Roost @ Blake

Use Permit #ZP2014-0069 to demolish two existing non-residential buildings and construct a new 5-story mixed-use project with 82 residential units, two live/work units, a 1,896 sq. ft. ground-floor retail space, 68 auto parking spaces in a basement level garage, and 67 bike parking spaces.

PERMITS REQUIRED

- Use Permit for demolition of existing commercial structures, under BMC Section 23C.08.050.A;
- Administrative Use Permit for rooftop equipment and architectural elements that would exceed the District’s high limit, under 23E.04.020.C;
- Use Permit for a mixed-use development of more than 5,000 square feet, under BMC Section 23E.52.030.A;
- Use Permit for live/work units, under BMC Section 23E.52.030.A;
- Administrative Use Permit to allow a quick or a full service restaurant with more than 1,000 square feet, under BMC Section 23E.52.030.A;
- Administrative Use Permit for alcoholic beverage service of beer and wine incidental to food service at a quick or a full service restaurant, under BMC Section 23E.52.030.A;
- Use Permit for construction of more than 3,000 square feet of gross floor area, under BMC Section 23E.52.050;
- Use Permit to reduce the front yard setback from 15 feet to 0-4 feet, reduce the rear yard setback from 17 feet to 15 feet on the fourth floor, reduce the west side yard setback from 6 feet to 5 feet on the third floor, reduce east side yard setback from 4 feet to 0 feet on the first and second floors, from 6 feet to 0 feet on the third floor, and from 10 to 8 feet on the fifth floor, (see Table 4 for greater detail), under BMC 23E.52.070.D.7;
- Use Permit to increase the maximum lot coverage to 71.4%, when the maximum is 35%, under BMC 23E.52.070.D.7; and
- Use Permit to modify or waive approximately 1 residential parking space under 23E.52.070.D.7.
CEQA FINDINGS

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15332 of the CEQA Guidelines (“Infill”). Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: 
(a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project would not affect any historical resource.

GENERAL NON-DETRIMENT FINDING

1. Pursuant to Berkeley Municipal Code Section 23B.32.040, the City finds that the proposed project, under the circumstances of the particular case existing at the time at which the application is granted, will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area or neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City, for the reasons outlined below. (These findings are also applicable to the Use Permit requested for the additional 3,000 square feet of gross floor area.)

A. The Project is a mixed-use development in proximity to regional transit, shops and amenities. The project site is located within the South Area Commercial (C-SA) district. It will provide 82 residential units, as well as two live/work units and ground floor commercial space in proximity to transit. The Project site is 0.6 miles south of the Downtown Berkeley BART station and 0.8 miles north of the Ashby BART station. AC Transit lines 18 and F run on Shattuck Avenue, less than one block to the east of the Project site and AC Transit line 49 runs on Dwight Way, approximately one block to the north of the Project site and is 0.6 miles south of the Downtown Berkeley Transit Center that is served by 15 AC Transit lines. In addition, the Project includes a quick or full service food service establishment, and there are goods and services available, including restaurants, cafes, yoga and exercise studios, and hair salons, on Blake Street and Shattuck Avenue; the Project will add to these commercial uses and add population to support these uses.

B. Under the Greenpoint rating system that the City requires all new housing to complete, this project would achieved a “Gold” rating. The environmentally sustainable elements include the density and transit orientation, mixed-use character, interior and exterior finishes and materials, solar residential hot water, flow-through planters or a biofiltration area, solar shading at the south and west sides, and amenities such as bicycle parking.

C. The five-story Project will result in new shading patterns as described in the Staff Report and shown in the applicants shadow diagrams. The two single-story, existing buildings on the site extend to the west, north and east property lines; the proposed building would be set back 5 to 24 feet from the west property line and 15 to 20 feet from the north property line, in proximity to adjacent residential uses. Siting the Project further to the east and south on the site will also reduce shadow impacts. The shadow impacts of the project are to be expected in this urbanized area and would not detrimental. In addition, the increased setback from adjacent buildings to the west and north would allow reflected light.
D. The Project will provide usable open space for the dwellings that is in excess of the 3,360 square feet that is required. It will include an approximately 2,215 square foot courtyard on the ground floor, a 630 square foot south-facing (faces Blake Street) deck and 520 square foot west-facing deck on the fourth floor, a 1,170 square foot roof deck above the fifth floor, plus approximately 5,000 square feet of additional private open space through smaller decks and patios. In addition, the project will include a 1,700 square foot (170 feet by 10 feet) landscaped biofiltration zone along the entire northern property line that will provide a buffer and screening between the project and the properties to the north.

DEmolITION OF EXISTING BUILDINGS

2. Pursuant to Berkeley Municipal Code Section 23C.08.050.D, the Zoning Adjustments Board finds that the proposed demolition of the structures at 2029 and 2035 Blake Street will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City. The structures are not architecturally or historically significant; on March 5, 2015, the Landmarks Preservation Commission (LPC) considered information regarding the history of the structures and took no action to initiate either building as a landmark of structure of merit. One of the existing buildings is used as a commercial auto repair garage and the other is used for storage. The proposed project will include approximately 4,066 square feet of ground floor commercial use. The Board also finds that this demolition is necessary to allow construction of the proposed mixed-use development.

MIXED USE BUILDING WITH MORE THAN 5,000 SQUARE FEET OF FLOOR AREA, REDUCED SETBACKS, INCREASED LOT COVERAGE, PARKING REDUCTION

3. Pursuant to Berkeley Municipal Code Section 23E.52.090.B, the Zoning Adjustments Board finds that the proposed use will be compatible with the purposes of the C-SA district as described below. The purposes of the C-SA districts include: provide locations for both community-serving and regional-serving businesses; provide an area of neighborhood and lower intensity community Commercial Uses, serving as a transition between the Downtown area and the neighborhood-serving area south of Ashby Avenue; encourage the location of a wide variety of community-oriented retail goods and services; encourage residential development for persons who desire both the convenience of location and more open space than is available in the Downtown; encourage development and amenities that support pedestrian-oriented uses; encourage appropriate mixed-use development (retail/office/residential) on appropriate sites in the District; and increase the opportunities for the establishment of businesses which are owned and operated by local residents.

- The Project will be compatible in design and character with the District and the adjacent residential neighborhoods. Properties to the east and south of the site that are also within the C-SA district consist of one- to two-story commercial buildings and surface parking lots; ground floor uses are exclusively commercial while second story uses vary. The area to the north and west of the project site is in the Multi-Family Residential zoning district (R-4) and buildings adjacent to the site consist of one- to four-story residential buildings; however, other properties further west and north include commercial, medical and medical office use. The primarily residential mixed-use project would be similar to and compatible with the adjacent uses, and uses in the vicinity. The proposed setbacks and building articulation result in a building that is compatible with the design and character of
the district and the existing buildings in the adjacent residential district. In addition, the architectural character of the building uses changes in material to further break up the building’s massing. At their July 16, 2015 meeting, the DRC gave a favorable recommendation to ZAB.

- The Project will include two live/work units and approximately 1,481 square feet of ground floor commercial space, proposed for restaurant use. The surrounding area includes a diversity of commercial uses and implementation of the Project will not result in the domination of one type of commercial/retail use.

In addition to the findings above, the Board shall find, for each Use Permit for a mixed use or a residential use obtained under Section 23E.52.070.D, that the proposed use or structure satisfies the following general purposes:

- The Project includes 82 residential units in proximity to two BART stations and multiple AC Transit lines. The project will encourage utilization of public transit by increasing the housing stock near existing BART stations and AC Transit lines. In addition, the Project provides just below the minimum required automobile parking spaces, will be required to provide one Clipper Card per residential unit, no Residential Permit Parking (RPP) permits shall be issued to project residents, and all residential parking spaces shall be leased or sold separate from the rental or purchase of dwelling units. If the 35% lot cover maximum were met, it is assumed approximately half, or 41 residential units would be developed. The additional population provided through the increased lot coverage, will further support transit/increase transit demand. In addition to supporting transit, the Project will provide 61 bike parking space and is located near the Milvia Street Bicycle Boulevard; the waiving of one residential off-street parking space would not be detrimental.

- The mixed-use Project will provide consistency with the purposes of the District - it will provide a location for community-serving businesses; provide a transition between the Downtown area and the area south of Ashby; provide residential development in a convenient location and with more useable open space; and support pedestrian oriented uses through urban design and an increased population near goods, services and transit.

**OTHER REQUIRED FINDINGS**

4. The Project is consistent with the purposes of Chapter 23E.20, **Live/Work** Provisions. The two live/work units will occupy the ground floor, west of the commercial space, adjacent to the R-4 district. The project site is within the C-SA district, which to the south and east of the site is characterized by a mixture commercial, mixed use, and residential uses. The area to the north and west of the site is in the R-4 zoning district, which in the vicinity of the project site is characterized by a mixture of medium- to high-density residential buildings and medical buildings, as well as commercial buildings. This mixed-use location is appropriate for new businesses and will provide opportunities for people to live in mixed use commercial areas. With an open ground floor space of approximately 900 square feet and a mezzanine of approximately 385 square feet, each live/unit will function predominantly as workspaces and secondarily as residence, and assures the division of these spaces.

5. Pursuant to Berkeley Municipal Code Section 23B.28.050, the City finds that the **rooftop equipment**, including parapet, mechanical equipment, elevator penthouse, stair penthouses, roof balcony and deck railings, will represent approximately 5% of the average floor area (well below the 15% maximum) and will not be used as habitable space or for any
commercial purpose, other than that which may accommodate the mechanical needs of the building. In addition, these elements will not be detrimental to those residing and working in the neighborhood for the reasons outlined in Finding 1.

6. Pursuant to Berkeley Municipal Code Section 23B.28.050, the City finds that the Full Service Restaurant or Quick Service Restaurant over 1,000 square feet will not be detrimental to those residing and working in the neighborhood for the reasons outlined in Finding 1. Conditions of Approval #57-69 pertaining to food service will be implemented to limit detriment.

7. Pursuant to Berkeley Municipal Code Section 23B.28.050, the City finds that the incidental service of beer and wine would not be detrimental to those residing and working in the neighborhood for the reasons outlined in Finding 1. In addition, Conditions of Approval #71-87 pertaining to alcohol service will be implemented to limit detriment. The operators of the Café shall insure that adjacent residents are not disturbed by patrons.
STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS
The following conditions, as well as all other applicable provisions of the Zoning Ordinance, apply to this Permit:

1. Conditions Shall be Printed on Plans
   The conditions of this Permit shall be printed on the second sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title ‘Use Permit Conditions.’ Additional sheets may also be used if the second sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2” by 11” sheets are not acceptable.

2. Applicant Responsible for Compliance with Conditions
   The applicant shall ensure compliance with all of the following conditions, including submittal to the project planner of required approval signatures at the times specified. Failure to comply with any condition may result in construction being stopped, issuance of a citation, and/or modification or revocation of the Use Permit.

3. Uses Approved Deemed to Exclude Other Uses (Section 23B.56.010)
   A. This Permit authorizes only those uses and activities actually proposed in the application, and excludes other uses and activities.
   B. Except as expressly specified herein, this Permit terminates all other uses at the location subject to it.

4. Modification of Permits (Section 23B.56.020)
   No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Zoning Officer, except that the Zoning Officer may approve changes that do not expand, intensify, or substantially change the use or building.

5. Plans and Representations Become Conditions (Section 23B.56.030)
   Except as specified herein, the site plan, floor plans, building elevations and/or any additional information or representations, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or during the approval process are deemed conditions of approval.

6. Subject to All Applicable Laws and Regulations (Section 23B.56.040)
   The approved use and/or construction is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Prior to construction, the applicant shall identify and secure all applicable permits from the Building and Safety Division, Public Works Department and other affected City divisions and departments.

7. Exercised Permit for Use Survives Vacancy of Property (Section 23B.56.080)
   Once a Permit for a use is exercised and the use is established, that use is legally recognized, even if the property becomes vacant, except as set forth in Standard Condition #8, below.
8. Exercise and Lapse of Permits (Section 23B.56.100)
   A. A permit for the use of a building or a property is exercised when, if required, a valid City business license has been issued, and the permitted use has commenced on the property.
   B. A permit for the construction of a building or structure is deemed exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced.
   C. A permit may be declared lapsed and of no further force and effect if it is not exercised within one year of its issuance, except that permits for construction or alteration of structures or buildings may not be declared lapsed if the permittee has: (1) applied for a building permit; or, (2) made substantial good faith efforts to obtain a building permit and begin construction, even if a building permit has not been issued and/or construction has not begun.

9. Indemnification Agreement
   The applicant shall hold the City of Berkeley and its officers harmless in the event of any legal action related to the granting of this Permit, shall cooperate with the City in defense of such action, and shall indemnify the City for any award of damages or attorney’s fees that may result.

ADDITIONAL CONDITIONS IMPOSED BY THE ZONING OFFICER
Pursuant to BMC 23B.28.050.D, the Zoning Officer attaches the following additional conditions to this Permit:

Prior to Submittal of Any Building Permit:

10. Address Assignment. The applicant shall file an “Address Assignment Request Application” with the Permit Service Center (2120 Milvia Street) for any address change or new address associated with this Use Permit. The new address(es) shall be assigned and entered into the City’s database prior to the applicant’s submittal of a building permit application.

Prior to Issuance of Any Demolition or Building Permit:

11. Project Liaison. The applicant shall provide the project planner with the name and telephone number of the individual empowered to manage complaints generated from the project. The individual’s name, telephone number, and responsibility for the project shall be posted at the project site for the duration of the project in a location easily visible to the public. The individual shall record all complaints received and actions taken in response, and submit written reports of such complaints and actions to the project planner on a weekly basis.

   Project Liaison ____________________________
   Name ____________________________
   Phone # ____________________________

12. Construction Noise Management - Public Notice Required. At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to businesses and residents within 500 feet of the project site, including (1) project description, (2) description of construction activities, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Noise Management Individual for the project, (5) commitment to notify neighbors at least four days in advance of authorized extended work hours and the reason for extended hours, (6) that construction work is about to
commence, and (7) designate a “construction liaison” that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval.

13. **Construction Noise Reduction Program**. The applicant shall develop a site specific noise reduction program prepared by a qualified acoustical consultant to reduce construction noise impacts to the maximum extent feasible, subject to review and approval of the Zoning Officer. The noise reduction program shall include the time limits for construction listed below, as measures needed to ensure that construction complies with Section 13.40.070 of the Berkeley Municipal Code. The noise reduction program should include, but shall not be limited to, the following available controls to reduce construction noise levels as low as practical:

- Construction equipment should be well maintained and used judiciously to be as quiet as practical.
- Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
- Utilize “quiet” models of air compressors and other stationary noise sources where technology exists. Select hydraulically or electrically powered equipment and avoid pneumatically powered equipment where feasible.
- Locate stationary noise-generating equipment as far as possible from sensitive receptors when adjoining construction sites. Construct temporary noise barriers or partial enclosures to acoustically shield such equipment where feasible.
- Prohibit unnecessary idling of internal combustion engines.
- If impact pile driving is required, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
- Construct solid plywood fences around construction sites adjacent to operational business, residences or other noise-sensitive land uses where the noise control plan analysis determines that a barrier would be effective at reducing noise.
- Erect temporary noise control blanket barriers, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
- Route construction related traffic along major roadways and away from sensitive receptors where feasible.

14. **Interior Noise Levels**. Prior to issuance of a building permit, the applicant shall submit a report to the Building and Safety Division and the Zoning Officer by a qualified acoustic engineer certifying that the interior residential portions of the project will achieve interior noise levels of no more than 45 Ldn (Average Day-Night Levels). If the adopted Building Code imposes a more restrictive standard for interior noise levels, the report shall certify compliance with this standard.

15. **Construction Phases**. The applicant shall provide the Zoning Officer with a schedule of major construction phases with start dates and expected duration, a description of the activities and anticipated noise levels of each phase, and the name(s) and phone number(s) of the individual(s) directly supervising each phase. The Zoning Officer or his/her designee shall have the authority to require an on-site meeting with these individuals as necessary to ensure
compliance with these conditions. The applicant shall notify the Zoning Officer of any changes to this schedule as soon as possible.

16. **Demolition.** Demolition of the existing building cannot commence until a complete application is submitted for the replacement building.

17. **Affordable Housing Mitigation Fee:** The project is subject to BMC Section 22.20.065 which allows the provision of BMR Units on site or the payment of an in-lieu fee: An applicant for a Development project that is subject to the Fee may elect to avoid the Fee by providing, for the life of the project, a number of units equal to 10% of the market rate units in the project at rental rates affordable to Very Low-Income Households. An applicant for a Development project subject to this Section may provide less than 10% of market rate units as Very Low-Income Units and pay a proportionately reduced Fee. In all such cases the applicant shall execute a written agreement with the City indicating the number, type, location, approximate size and construction schedule of all such dwelling units and other information as required for determining compliance with this Section. All such units shall be reasonably dispersed throughout the project, be of the same size and contain, on average, the same number of bedrooms as the market rate units in the project; and be comparable with the design or use of market rate units in terms of appearance, materials and finish quality. The owner of any units produced under this option must report to the City annually on the occupancy and rents charged for the units.

If the BMR Units are provided in the Project, they shall be designated in the Regulatory Agreement and shall be reasonably dispersed throughout the project; be of the same size and contain, on average, the same number of bedrooms as the non-BMR units in the project; and be comparable with the design or use of non-BMR units in terms of appearance, materials and finish quality. The designation of BMR Units shall conform to the addresses assigned to the building by the City.

18. **Percent For Art:** The City is considering a One Percent for Art on private projects, which is anticipated to apply to all new multifamily residential buildings of five or more units, commercial buildings and industrial buildings, with the exception of C-DMU projects subject to Significant Community Benefits. The Ordinance is anticipated to require owners of subject properties to devote one percent of construction costs to public art as a community benefit either as publicly accessible artwork on site or through an in-lieu fee. If adopted prior to issuance of building permit, the applicant shall pay the One Percent for Art fee prior to issuance of a certificate of occupancy, consistent with a schedule approved by the City Manager or her designee.

19. **Electric Vehicle (EV) Charging.** At least 10% of the project parking spaces for residential parking and 3% of the parking spaces for non-residential parking shall be pre-wired to allow for future Level 2 (240 Volt/40 amp) plug-in electric vehicle (EV) charging system installation, as specified by the Office of Energy and Sustainable Development. Any Level 2 EV charging systems installed at parking spaces will be counted toward the applicable pre-wiring requirement. Pre-wiring for EV charging and EV charging station installations shall be noted on site plans.

20. **Recycling and Organics Collection.** Applicant shall provide recycling and organics collection areas for tenants, clearly marked on site plans, which comply with the Alameda County Mandatory Recycling Ordinance (ACWMA Ordinance 2012-01).
21. **Water Efficient Landscaping.** Applicant shall provide an updated Bay-Friendly Basics Landscape Checklist that includes detailed notes of any measures that will not be fully met at the project. Landscape improvements shall be consistent with the current versions of the State’s Water Efficient Landscape Ordinance (WELO) and the East Bay Municipal Utility District’s Section 31: Water Efficiency Requirements.

22. **Construction and Demolition.** Applicant shall submit a Waste Diversion Form and Waste Diversion Plan that meet the diversion requirements of BMC Chapters 19.24 and 19.37.

23. **Public Works ADA.** Plans submitted for building permit shall include replacement of sidewalk, curb, gutter, and other streetscape improvements, as necessary to comply with current City of Berkeley standards for accessibility.

24. **Parking for Disabled Persons.** Per Section 23E.28.040.D of the Zoning Ordinance, “Notwithstanding any reduction in off-street parking spaces that may be granted for mixed-use projects in non-residential districts listed in Sub-title 23E, the requirement for off-street parking spaces for disabled persons in the project shall be calculated as if there had been no reduction in total parking spaces.”

25. **First Source Agreement.** The applicant and/or end user(s) shall enter into a First Source Agreement with the City’s WorkSource program, a referral service for Berkeley residents seeking jobs. The agreement requires employers to consult WorkSource before hiring construction workers or permanent employees, but leaves the final hiring decision with the employer. Please call (510) 981-7551 for further information, or visit WorkSource at 1947 Center Street.

26. The applicant shall contact the Toxics Management Division (TMD) at 2120 Milvia, 3rd Floor or (510) 981-7470 to determine which of the following environmental documents are required and timing for their submittal:

   A. **Phase I & Phase II Environmental Site Assessments** (latest ASTM 1527-13). A recent Phase I ESA (less than 6 months old*) shall be submitted to TMD for developments for:
      i. All new commercial, industrial and mixed use developments and all large improvement projects.
      ii. All new residential buildings with 5 or more dwelling units located in the Environmental Management Area (or EMA).

   EMA is available online at:
   [http://www.cityofberkeley.info/uploadedFiles/IT/Level_3_-_General/ema.pdf](http://www.cityofberkeley.info/uploadedFiles/IT/Level_3_-_General/ema.pdf)

   Phase II ESA is required to evaluate Recognized Environmental Conditions (REC) identified in the Phase I or other RECs identified by TMD staff.

   The TMD may require a third party toxicologist to review human or ecological health risks that may be identified. The applicant may apply to the appropriate state, regional or county clean up agency to evaluate the risks.

   * If the Phase I is over 6 months old, it will require a new site reconnaissance and interviews. If the facility was subject to regulation under Title 15 of the Berkeley Municipal Code since the last Phase I was conducted, a new records review must be performed.
A Phase I ESA was prepared for the site on November 20, 2013. The Phase I ESA concluded that a Phase II was not necessary, but the hoists in the 2029 Blake Street building and the two hydraulic oil reservoirs in the 2035 Blake Street shall be removed. Directly after their removal, the soil at these locations shall be sampled by a qualified technician. If leakage has occurred, the applicant shall notify the City of Berkeley Toxics Management Division and a plan of action shall be immediately implemented. Such a plan usually involves excavating a limited amount of soil and soil disposal at the appropriate facility.

B. Soil and Groundwater Management Plan. A Soil and Groundwater Management Plan (SGMP) shall be submitted to TMD. The SGMP shall be site specific and identify procedures for soil and groundwater management including identification of pollutants and disposal methods. The SGMP will identify permits required and comply with all applicable local, state and regional requirements.

The SGMP shall require notification to TMD of any hazardous materials found in soils and groundwater during development. The SGMP will provide guidance on managing odors during excavation. The SGMP will provide the name and phone number of the individual responsible for implementing the SGMP and post the name and phone number for the person responding to community questions and complaints.

TMD may impose additional conditions as deemed necessary. All requirements of the approved SGMP shall be deemed conditions of approval of this Use Permit.

C. Building Materials Survey. Prior to approving any permit for partial or complete demolition and renovation activities involving the removal of 20 square or linear feet of interior or exterior walls, a building materials survey shall be conducted by a qualified professional. The survey shall include, but not be limited to, identification of any lead-based paint, asbestos, polychlorinated biphenyl (PBC) containing equipment, hydraulic fluids in elevators or lifts, refrigeration systems, treated wood and mercury containing devices (including fluorescent light bulbs and mercury switches). The Survey shall include plans on hazardous waste or hazardous materials removal, reuse or disposal procedures to be implemented that fully comply state hazardous waste generator requirements (22 California Code of Regulations 66260 et seq). The Survey becomes a condition of any building or demolition permit for the project. Documentation evidencing disposal of hazardous waste in compliance with the survey shall be submitted to TMD within 30 days of the completion of the demolition. If asbestos is identified, Bay Area Air Quality Management District Regulation 11-2-401.3 a notification must be made and the J number must be made available to the City of Berkeley Permit Service Center.


27. Bird Strike. New buildings with the potential for significant bird strikes must adhere to the design measures listed below. These measures will be considered in final design review, prior the issuance of a building permit.
• Create visual markers and mute reflections in the glass features of buildings. Glass treatment (e.g., modifications in transparency, reflectivity, patterns and colors) shall be on at least the first 12 meters, or to the anticipated height of the majority of vegetation at maturity, whichever is higher. Applying these solutions to the entire building is preferred.
• Reduce light pollution which disorients migrating birds by choosing exterior light fixtures that project light downward rather than toward the sky, by turning off interior lights at night, especially during spring and fall migration periods, and by locating interior plantings away from glass areas that are lit at night.
• For structures such as greenhouses, skyways, free-standing glass walls and some balconies, require that 100 percent of glass be treated.

28. **Bicycle Parking.** Bicycle parking on the project site shall be expanded to provide three (3) bike parking spaces in the bike room for the live/work units; and at least one (1) bike parking space for the commercial use on the project site.

29. **Trash/Recycling/Compost Room.** The Trash/Recycling/Compost Room shall be revised to create a means for property management or the City to access bins for collection.

30. **Live/Work.** An exhibit shall be provided with the building permit application that demonstrates conformance with live/work as defined in BMC 23F.04.010.

31. **Live/Work Deed Restriction Requirement.** Prior to issuance of a building permit, the applicant shall supply a deed restriction, notarized and bearing the stamp of filing from the Alameda County Recorder's Office, which stipulates that:
   • At least one resident in each Live/Work Unit shall maintain at all times a valid City Business License and any applicable Zoning Certificate or Use Permit for a business on the premises.
   • No portion of a Live/Work Unit may be separately rented or sold as a commercial space for a person or persons not living on the premises, or as a residential space for a person or persons not working on the premises.

City Monitor: Staff Planner  
Signature Date

**Prior to Construction:**

32. **Construction Meeting.** The applicant shall request of the Zoning Officer an on-site meeting with City staff and key parties involved in the early phases of construction (e.g., applicant, general contractor, foundation subcontractors) to review these conditions and the construction schedule. The general contractor or applicant shall ensure that all subcontractors involved in subsequent phases of construction aware of the conditions of approval.

**During Construction:**

33. **Construction Hours.** In conjunction with the Construction Noise Reduction Plan required above, construction activity shall be limited to between the hours of 7:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and 4:00 PM on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday. It is recognized that certain construction activities, such as the placement of concrete, must be performed in a continuous manner and may require an extension of these work hours. Prior to initiating any activity that
might require a longer period, the developer must notify the Zoning Officer and request an exception for a finite period of time. If the Zoning Officer approves the request, then two weeks prior to the expanded schedule, the developer shall notify businesses and residents within 500 feet of the project site describing the expanded construction hours. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval. The project shall not be allowed more than 15 extended working days.

34. **Transportation Construction Plan.** The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) is required for all phases of construction, particularly for the following activities:

- Alterations, closures, or blockages to sidewalks or pedestrian paths
- Alterations, closures, or blockages to vehicle travel lanes (including bicycle lanes)
- Storage of building materials, dumpsters, debris anywhere in the public ROW
- Provision of exclusive contractor parking on-street relevant
- Significant truck activity.

The applicant shall secure the City Traffic Engineer’s approval of a TCP. Please contact the Office of Transportation at 981-7010, or 1947 Center Street, 3rd floor, and ask to speak to a traffic engineer. In addition to other requirements of the Traffic Engineer, this plan shall include the locations of material and equipment storage, trailers, worker parking, a schedule of site operations that may block traffic, and provisions for traffic control. The TCP shall be consistent with any other requirements of the construction phase.

Contact the Permit Service Center (PSC) at 2120 Milvia Street or 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety or convenience of the surrounding neighborhood. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

35. **Project Construction Website.** The applicant shall establish a project construction website with the following information clearly accessible and updated monthly or more frequently as changes warrant:

- Contact information (i.e. “hotline” phone number, and email address) for the project construction manager
- Calendar and schedule of daily/weekly/monthly construction activities
- The final Conditions of Approval, Mitigation Monitoring and Reporting Program, Transportation Construction Plan, Construction Noise Reduction Program, and any other reports or programs related to construction noise, air quality, and traffic.

36. **Stormwater Requirements.** The applicant shall demonstrate compliance with the requirements of the City’s National Pollution Discharge Elimination System (NPDES) permit as described in Berkeley Municipal Code Section 17.20. The following conditions apply:

A. The project plans shall identify and show site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City’s storm drainage system, regardless of season or weather conditions.

B. Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system;
these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.

C. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.

D. Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City’s overall stormwater quality ordinances. This review shall be conducted prior to the issuance of a Building Permit.

E. All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.

F. All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.

G. All private or public projects that create and/or replace 10,000 square feet or more of impervious surface must comply with Provision C.3 of the Alameda County NPDES permit and must incorporate stormwater controls to enhance water quality. Permit submittals shall include a Stormwater Requirement Checklist and detailed information showing how the proposed project will meet Provision C.3 stormwater requirements, including a) Site design measures to reduce impervious surfaces, promote infiltration, and reduce water quality impacts; b) Source Control Measures to keep pollutants out of stormwater runoff; c) Stormwater treatment measures that are hydraulically sized to remove pollutants from stormwater; d) an O & M (Operations and Maintenance) agreement for all stormwater treatment devices and installations; and e) Engineering calculations for all stormwater devices (both mechanical and biological).

H. All on-site storm drain inlets must be labeled “No Dumping – Drains to Bay” or equivalent using methods approved by the City.

I. Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge or soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.

J. All loading areas must be designated to minimize “run-on” or runoff from the area. Accumulated waste water that may contribute to the pollution of stormwater must be drained to the sanitary sewer or intercepted and pretreated prior to discharge to the storm drain system. The property owner shall ensure that BMPs are implemented to prevent potential stormwater pollution. These BMPs shall include, but are not limited to, a regular program of sweeping, litter control and spill cleanup.

K. Restaurants, where deemed appropriate, must be designed with a contained area for cleaning mats, equipment and containers. This contained wash area shall be covered or
designed to prevent run-on or run-off from the area. The area shall not discharge to the storm drains; wash waters should drain to the sanitary sewer, or collected for ultimate disposal to the sanitary sewer. Employees shall be instructed and signs posted indicating that all washing activities shall be conducted in this area. Sanitary connections are subject to the review, approval and conditions of the waste water treatment plant receiving the discharge.

L. Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. If any cleaning agent or degreaser is used, wash water shall not discharge to the storm drains; wash waters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.

M. The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.

37. **Public Works.** All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter thick and secured to the ground.

38. **Public Works.** The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.

39. **Public Works.** The project sponsor shall maintain sandbags or other devices around the site perimeter during the rainy season to prevent on-site soils from being washed off-site and into the storm drain system. The project sponsor shall comply with all City ordinances regarding construction and grading.

40. **Public Works.** Prior to any excavation, grading, clearing, or other activities involving soil disturbance during the rainy season the applicant shall obtain approval of an erosion prevention plan by the Building and Safety Division and the Public Works Department. The applicant shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.

41. **Public Works.** The removal or obstruction of any fire hydrant shall require the submission of a plan to the City’s Public Works Department for the relocation of the fire hydrant during construction.

42. **Public Works.** If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.

**Prior to Final Inspection or Issuance of Occupancy Permit:**

43. **Compliance with Conditions and Environmental Mitigations.** The project shall conform to the plans and statements in the Use Permit. The developer is responsible for providing sufficient evidence to demonstrate compliance with the requirements throughout the implementation of
this Use Permit. Occupancy is subject to verification of compliance to the Mitigation Monitoring and Reporting Program.

44. **Compliance with Approved Plan.** The project shall conform to the plans and statements in the Use Permit. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated **October 30, 2015**, except as modified by conditions of approval.

45. **Construction and Demolition Recycling.** A Construction and Demolition Recycling Summary Report, with receipts or weigh slips documenting debris disposal or recycling during all phases of the project, must be completed and submitted for approval to the City’s Solid Waste Management Division. The Zoning Officer may request summary reports at more frequent intervals, as necessary to ensure compliance with this requirement. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

**At All Times:**

46. **Exterior Lighting.** All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.

47. **Rooftop Projections.** No additional rooftop or elevator equipment shall be added to exceed the approved maximum roof height without submission of an application for a Use Permit Modification, subject to Board review and approval.

48. **Design Review.** Signage and any other exterior modifications, including but not limited to landscaping and lighting, shall be subject to Design Review approval.

49. **Drainage Patterns.** The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.

50. **Electrical Meter.** Only one electrical meter fixture may be installed per dwelling unit.

51. **Residential Permit Parking.** No Residential Permit Parking (RPP) permits shall be issued to project residents, nor shall commercial placards be issued to non-residential occupants and/or users of the site. The project planner shall notify the Finance Department, Customer Service Center, to add these addresses to the list of addresses ineligible for RPP permits. The property owner shall notify all tenants of rental units, and/or buyers of condominium units, of this restriction in leases and/or contracts, and shall provide sample leases and/or contracts including such notification to the project planner prior to issuance of an occupancy permit or final inspection.

52. **Parking to be Leased or Sold Separately.** All residential parking spaces shall be leased or sold separate from the rental or purchase of dwelling units.

53. **Bike Parking.** Secure and on-site bike parking for **61** bicycles shall be provided for the life of the building.
54. **Tenant Notification.** The developer shall provide tenant notification, via a lease rider or deed covenant, that each dwelling unit is located in a mixed-use area that includes commercial, food service, entertainment uses, light industrial and medical office, and that each occupant shall not seek to impede their lawful operation.

55. **Transportation Demand Management.** A Transportation Demand Management compliance report shall be submitted to the Transportation Division Manager, on a form acceptable to the City, prior to occupancy, and on an annual basis thereafter, which demonstrates that the project is in compliance with the applicable requirements and the following:

A. Subject to the review and oversight of the Transportation Division Manager, the cost equivalent to an unlimited local bus pass shall be provided on a Clipper Card, or equivalent card that can be used by major Bay Area transit systems, shall be provided, at no cost, to every employee.

B. A notice describing these transportation benefits shall be posted in a location or locations visible to all employees.

C. Subject to the review and oversight of the Transportation Division Manager, the cost equivalent to an unlimited local bus pass shall be provided on a Clipper Card, or equivalent card that can be used by major Bay Area transit systems, shall be provided, at no cost, one per residential unit.

D. The building owner, manager or designee shall provide transit information in the residential lobby, updated at a minimum once a year. The information panels shall be shown in the construction drawings and shall be installed prior to occupancy.

E. The building owner, manager or designee shall gather and provide information regarding transit and other alternative transportation to residents and commercial tenants and their employees. Information may pertain to the City, regional transit agencies, carsharing, Spare the Air, 511 and other relevant programs. This information package shall be provided to all residents/employees on arrival plus once a year.

F. The food service operation, if qualifying for participation in the Alameda County Guaranteed Ride Home program (or successor program), shall participate in the “Guarantee Ride Home” program to reduce employee single occupant vehicle trips by providing alternate means of leaving work in an emergency. Enrollment shall be encouraged by providing Guarantee Ride Home information to all employees. An affidavit/statement indicating number of participating employees shall be provided annually to the Transportation Division Manager.

56. **Subject to Review.** This permit is subject to review, imposition of additional conditions, or revocation if factual complaint is received by the Zoning Officer that the maintenance or operation of this establishment is violating any of these or other required conditions or is detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood or is detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

**FOOD SERVICE CONDITIONS**

These requirements are in addition to any other requirements under the City's Building, Health or Fire Codes or by agencies such as the Alcoholic Beverage Control Department of the State of California. The applicant is responsible for contacting these and other departments and agencies to identify and secure all applicable permits and licenses.
57. This permit is subject to review, imposition of additional conditions, or revocation if factual complaint is received by the Zoning Officer that the maintenance or operation of this establishment is violating any of these or other required conditions or is detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood or is detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

58. The approved floor plan, including the number of seats, shall be followed and the operation shall be conducted as presented to the Board. The maximum occupancy shall be as specified in the application unless otherwise required by applicable regulations.

59. Changes to the building's facade, including doors or windows, site plans, landscaping, signage, and awnings are subject to Design Review and approval prior to issuance of a building permit.

60. The hours of operation of the restaurant portion of the business shall be limited to the hours of operation in the C-SA district (BMC 23E.52.060): No commercial use shall operate except between the following hours of the specified days: 7:00 a.m. to 12:00 midnight daily. Hours of operation refer to arrival of the first patron and departure of the last patron.

61. Cooking odors, noise, exterior lighting and operation of any parking area shall be controlled so as to prevent verified complaints from the surrounding neighborhood. This shall include noise created by employees working on the premises before or after patrons arrive.

62. Smoke and odor control equipment approved by the City Environmental Health Division and providing adequate protection to residential uses near the restaurant shall be installed (or prior installation verified) prior to issuance of an Occupancy Permit.

63. Garbage and trash containers that are suitably enclosed and screened from view shall be provided subject to approval of the Zoning Officer, the Health Department and, where applicable, the Design Review Planner. Any establishment selling beverages in cans or bottles that are subject to the State of California Container Deposit Law shall provide separate bins or cans for the placement of such cans or bottles to ensure recycling of such containers.

64. Containers used for the dispensing of prepared food shall identify the establishment. Polystyrene foam food packing is prohibited by Section 11.60.030 of the Berkeley Municipal Code.

65. Any establishment selling beverages in cans or bottles that are subject to the State of California Container Deposit Law shall recycle such containers.

66. The operator of the restaurant shall place a waste receptacle near the entry way and shall insure that garbage on the sidewalk in front of the establishment and within 50 feet thereof will be picked up periodically during each day, so that the sidewalk remains clean.

67. The owner or operator of the establishment shall take reasonable measures to prevent disturbances by patrons in the immediate vicinity. Such measures shall include signs reminding patrons of nearby residences and requests not to congregate or loiter near such
residences nor operate vehicles in a noisy manner on residential streets. The operator shall give surveillance to public areas near the establishment, keep such areas free of trash and litter, provide lighting, and otherwise attempt to prevent conduct that might disturb the peace and quiet of residences in the vicinity.

68. The operator shall assume reasonable responsibility for ensuring that patrons do not block the entrance or interfere with pedestrian activity on the adjacent public sidewalk.

69. The applicant shall reimburse employees the maximum non-taxable cost of commuting to and from work on public transportation (e.g., monthly passes) if they so commute, and a notice informing employees of the availability of such subsidy shall be permanently displayed in the employee area.

INCIDENTAL ALCOHOLIC BEVERAGE SERVICE CONDITIONS (on-site)

70. Alcoholic beverage service shall be “incidental” to the primary food service use, as defined in Zoning Ordinance 23F.04.010. An incidental use shall not exceed twenty-five percent (25%) of the floor area of the primary use, and if it consists of the commercial sales of a different line of products or services than the primary use, such incidental use may not generate gross receipts in excess of thirty-three percent (33%) of the gross receipts generated by the primary use. In addition, the California Department of Alcohol Beverage Control (ABC) allows this alcohol use only as part of a “bona fide eating place” making “actual and substantial sales of meals,” and stringently enforces this requirement.

71. The establishment shall comply with all applicable regulations of the California Department of Alcoholic Beverage Control.

72. The applicant shall comply with ABC regulations for License Type 41, which requires that the food establishment operate as a bona fide eating place, make actual and substantial sales of meals during normal meal hours, and that the establishment operate at least five days a week. In addition, the applicant shall request that the ABC place the following conditions on the ABC permit for this site, and this Use Permit shall only be operative for as long as these conditions are placed on the associated ABC license:

- The sale of alcoholic beverages for consumption off the premises is strictly prohibited;
- There shall be no bar or lounge area upon the licensed premises maintained for the sole purpose of sales, service or consumption of alcoholic beverages directly to patrons for consumption;
- During operating hours, 100% of the service area shall be designed and used for and must possess the necessary utensils, and condiment dispensers with which to serve meals to the public;
- There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.

73. A Berkeley Police Department Crime Prevention Through Environmental Design (CPTED) survey shall be completed prior to commencing alcohol service.
74. All employees selling and/or serving alcohol, or directly supervising such sales and/or service, shall complete the Licensee Education on Alcohol and Drugs (LEAD) program, or another equivalent program offered or certified by the California Department of Alcoholic Beverage Control within 6 months of employment at the establishment. Employees who have completed the course within the last five (5) years shall be exempt from this requirement.

75. All employees selling and/or serving alcohol, or directly supervising such sales and/or service, shall complete a course in Responsible Beverage Sales and Service (RBSS) through the California Department of Alcoholic Beverage Control within 6 months of employment at the establishment. Employees who have completed the course within the last five (5) years shall be exempt from this requirement.

76. Employees shall not serve alcohol to patrons who appear to be inebriated or otherwise unable to behave in an orderly manner upon consuming alcohol.

77. Any operator of the licensed establishment shall not have had a prior licensed establishment that was the subject of verified complaints or violations regarding alcohol, public safety or nuisance statutes or regulations to be confirmed by the Zoning Officer prior to issuance or transfer of a business license at this location.

78. Fortified alcohol products (e.g., malt liquor), shall not be sold on the premises.

79. Consumption of alcohol shall not be permitted in any outdoor seating area.

80. Neither alcohol-dispensing facilities nor sign(s) advertising alcoholic beverages shall be visible from the public right-of-way.

81. All alcohol served to patrons must be served in durable restaurant tableware – i.e. either cups or glasses. No alcohol may be distributed in its original bottle or can, or in any other potentially disposable container.

82. There shall be no service or consumption of alcohol on the public right-of-way.

83. No alcohol may be transported off-site from the establishment to any other establishment or to the public right-of-way.

84. The owner or operator of the establishment shall take reasonable measures to prevent disturbances by patrons in the immediate vicinity. Such measures shall include signs reminding patrons of nearby residences and requests not to congregate or loiter near such residences nor operate vehicles in a noisy manner on residential streets. The operator shall give surveillance to public areas near the establishment, keep such areas free of trash and litter, provide lighting, and otherwise attempt to prevent conduct that might disturb the peace and quiet of residences in the vicinity. Furthermore, the operator shall assume reasonable responsibility for ensuring that patrons do not block the entrance or interfere with pedestrian activity on the adjacent public sidewalk.
85. The applicant shall establish cash handling procedures to reduce the likelihood of robberies and theft.

86. This Use Permit, including these and all other required conditions, shall be posted in conspicuous location, available for viewing by any interested party.

87. At no time shall the operator rent the project space to a third party promoter.
**PROJECT DESCRIPTION**

This project proposes demolition of 2 existing single-story warehouses and a surface parking lot, and construction of a new 5-story mixed use building with ground floor retail, live/work and patio apartments; basement level car and bike parking and apartments above. Shared and private open space is provided at a grade level podium, fourth floor patios, and private balconies.

**ZONING INFORMATION**

Address: 2029-2035 Blake Street

Berkeley, CA 94704

055 182200900

055 182200803

055 182200803

Use Description: Mixed Use

(Commercial/Residential)

General Plan: AC (Avenue Commercial)

Zoning District: C-SA

South Area Commercial District

Flood Zone: No

Fire Zone: 1

Env. Mgmt. Area: Yes

Landmark Structure: No (Landmarks Commission took no action)

Lot Area (combined): 22687.5 SF

**CONSTRUCTION TYPE**

TYPE III/TYPE 1A

**EXCAVATION**

Approx. 19.1 cubic yards for basement

**FLOOR AREA RATIO**

<table>
<thead>
<tr>
<th>ALLOWED</th>
<th>PROVIDED:</th>
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<tbody>
<tr>
<td>2.868 X 4</td>
<td>90.672 / 83.440</td>
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<tr>
<td>4.0</td>
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**UNIT MIX**

| STUDIOS | 32 | 415 SF |
| 1-BEDROOM | 34 | 640 SF |
| 2-BEDROOM | 16 | 860 SF |

**LOT COVERAGE**

16202 SF AREA: 22687.5 LOT AREA = 71.4% COVERAGE

**BUILDING AREA SUMMARY**

<table>
<thead>
<tr>
<th>TOTAL FLOOR AREA (INCLUDES STAIRS &amp; ELEVATOR)</th>
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<tbody>
<tr>
<td>BASEMENT 10.30.15 SF</td>
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<tr>
<td>GROUND FLOOR 13.782 SF</td>
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<tr>
<td>2ND FLOOR 14.800 SF</td>
</tr>
<tr>
<td>3RD FLOOR 14.800 SF</td>
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<tr>
<td>4TH FLOOR 13.022 SF</td>
</tr>
<tr>
<td>5TH FLOOR 12.411 SF</td>
</tr>
<tr>
<td>TOTAL 83.440</td>
</tr>
</tbody>
</table>

**GROSS FLOOR AREA**

| GSF, RESIDENTIAL | 62,776 SF |
| GSF, NON-RESIDENTIAL | 4,052 SF |
| LIV/EWORK | 1816 SF + 769 SF MEZZ. |
| COMMERCIAL | 1418 |

**PARKING**

| CARS | REQ'D: | PROVIDED: |
|-----------------------------------------------|
| RESIDENTIAL 1/1000 GFA | 63 | 63 |
| FOOD SERVICE 1/1000 GFA * | 3 | 3 |
| LIV/EWORK 1/1000 GFA | 2 | 2 |
| TOTAL PARKING | 68 | 68 |

**BIKES**

| COMMERCIAL 1/2000 GFA | 1 | 67 |
| RESIDENTIAL 0 | 60, BASEMENT |
| TOTAL BIKE PARKING | 1 |

**STREET PARKING**

Existing: 8 spaces

Removed: 2 spaces

TOTAL PROPOSED: 12 SPACES

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<th>PARKLET - 2 SPACES</th>
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**OPEN SPACE**

| REQ'D: | PROVIDED: |
|-----------------------------------------------|
| 40 SF PER 1 RES. UNITS | 320 SF |
| 40 SF PER 2 LIV/EWORK UNIT | 80 SF |

4315 SF TOTAL

SHARED OPEN SPACE

PRIVATE PATIOS @ PODIUM FOR 6 UNITS: 1677 SF

PRIVATE ROOF PATIOS FOR 3 UNITS: 1957 SF

PRIVATE BALCONIES FOR 16 UNITS: 1534 SF

**PROJECT DATA**

DEVI DUTTA ARCHITECTURE

A0.1

ZAB

10.30.15
Assumed Res. Living area

Lighter tone gray indicates shadows from proposed bldg.
Darker tone gray indicates shadows from existing bldg.

NEW SHADOW @ RESIDENTIAL BLDG.
LIGHTER TONE GRAY INDICATES SHADOWS FROM PROPOSED BLDG.
DARKER TONE GRAY INDICATES SHADOWS FROM EXISTING BLDG.

JUNE 21 - 7:45 AM
1" = 100'-0"

JUNE 21 - 12:00PM
1" = 100'-0"

JUNE 21 - 6:35 PM PROPOSED
1" = 100'-0"

The Roost @ Blake
DEVI DUTTA ARCHITECTURE

ZAB - prelim.
SHADOW STUDY

1. EXISTING

PROPOSED

JUNE 21 - 7:45 AM

NEW SHADOW AT LIVING & BEDROOM SPACES

2. EXISTING

PROPOSED

DECEMBER 21 - 2:55 PM

NEW SHADOW AT ASSUMED LIVING SPACE

3. EXISTING

PROPOSED

DECEMBER 21 - 2:55 PM

NEW SHADOW AT LIVING & BEDROOM SPACE

The Roost

DEVI DUTTA ARCHITECTURE

ZAB

10.30.15
The Roost

STREET STRIP

- Existing Blake St. Street strip, North
- Existing Blake St., South
- Proposed Street Strip

ALLOWABLE DEVELOPMENT HEIGHT

ALLEMAGNE DEVELOPMENT HEIGHT

STEPDOWN MASSING & WESTSIDE OF BLDG.

STEPDOWN MASSING FOR SHARED OPEN SPACES

GROUND FLOOR STEPPED栯onic FOR GENEROUS LIVEWORK & COMMERCIAL ENTRIES

ADDITIONAL STREET PARKING & NEW NEIGHBORHOOD PARKLET

SETBACK FROM RESIDENTIAL NEIGHBORS AT DWIGHT STREET & ADJACENT COMMERCIAL/RESIDENTIAL

MODULATE SITE AND DT NEIGHBORHOOD SCALE

DEVI DUTTA ARCHITECTURE

10.30.15

Attachment 5 - Admin Record
Page 278 of 1544
SECURITY MIRROR

FIXIT

Dero Decker Stacked Bike Parking 60 capacity

52 SEMI-AUTOMATIC PUZZLE STACKER SPACES

16 SURFACE PARKING SPACES (ALL EV-READY)

68 TOTAL SPACES (INCLUDES 4 ACCESSIBLE SPACES)

CAR-SHARE SPACES TBD

Trash / Recycling / Compost

SOLAR WATER/MECHANICAL

STAIR TO PODIUM EXIT

ELEVATOR

BIKE PARKING, 60 SPACES

29' - 11"

5' - 0"

170' - 0"

RESIDENTIAL STORAGE

SECURITY FENCING

UNEXCAVATED

10' - 0"

20' - 6"

24' - 0"

18' - 0"

45-67 16-44

+149.5  +143.8 (PIT DEPTH)

G H A

Note: Please see Sheet Index for Symbols Legend

See 2nd floor for enlarged unit plan references

The Roost

DEVI DUTTA ARCHITECTURE

SCALE: 1/16" = 1'-0"

10.30.15

ZAB
GROUND FLOOR
0' - 0"

LEVEL 2
18' - 0"

LEVEL 3
28' - 0"

LEVEL 4
38' - 0"

LEVEL 5
48' - 0"

ROOF
58' - 0"

See 3rd floor for enlarged unit plan references.

Note: Please see Sheet Index for Symbols Legend.
The Roost @ Blake

DEVI DUTTA ARCHITECTURE

PROPOSED/EXISTING DETAIL SECTIONS

SCALE: 1/8" = 1'-0"

10.30.15

ZAB - prelim.
The Roost

DEVI DUTTA ARCHITECTURE

BUILDING SECTION

SCALE: 1/16" = 1'-0"

10.30.15

ZAB

Note: Please see Sheet Index for Symbols Legend

See 3rd floor for enlarged unit plan references

The Roost
METAL AWNINGS MADE WITH 4" " X 3/16" MODULES:

4" METAL CHANNEL FRAME

PERFORATED METAL

1" METAL ROD CROSS MEMBERS

CHARRED WOOD PANELS SHOU-SUGI-BAN METHOD;
WOOD PROVIDES SOUND ATTENUATION FOR CARS AND
PALLETT STACKERS MACHINE, AND IS NATURALLY
PRESERVED BY CHARRING PROCESS

1/2" REVEAL, PAINTED
BLACK

PAINTED SIGNAGE FOR
BUILDING ADDRESS AND
NAME

CHARRED WOOD PANELS
SHOU-SUGI-BAN METHOD;
WOOD PROVIDES SOUND ATTENUATION FOR CARS AND
PALLETT STACKERS MACHINE, AND IS NATURALLY
PRESERVED BY CHARRING PROCESS

METAL AWNINGS

GARAGE WALL
RECESSED FROM
PROPERTY LINE | 1/8"

UP & OVER STYLE GARAGE DOOR
OPERATION DOES NOT PROJECT
BEYOND FACE OF DOOR

UP & OVER STYLE GARAGE DOOR
OPERATION DOES NOT PROJECT
BEYOND FACE OF DOOR

THE ROOST @ BLAKE

DEVI DUTTA ARCHITECTURE

SCALE: as noted

A31

Attachment 5 - Admin Record
Page 308 of 1544
The Roost @ Blake
DEVI DUTTA ARCHITECTURE

BALCONY DETAILS
SCALE: as noted

1- BALCONY PLAN
- 14'-10" IPE WOOD SLAT DECKING ON METAL JOISTS
- PERFORATED METAL PANEL

2- BALCONY ELEVATION
- WOOD SLAT PRIVACY SCREEN
- PERFORATED CORRUGATED METAL PATTERN
- 5'-0" WOOD SLAT PRIVACY SCREEN AT NORTH SIDE OF DECK, TYP

3- DETAIL
- FINISHED METAL FRAMING WITH NO PRE-PUNCHED OPENINGS, S.S.D.; CONNECT THROUGH TO INTERIOR FRAMING
- CORRUGATED, PERFORATED METAL, POWDER-COATED
- CR LAURENCE BRUSHED STAINLESS STEEL STANDARD GLASS RAIL FITTING WITH FACE-MOUNTING PLATE
- 8" X 4" STEEL PLATE AT RAILING ATTACHMENT POINTS, S.S.D.
- METAL DECK EDGE SUPPORT, S.S.D.
- IPE SLAT DECKING, DRAINS THROUGH

NOTE: WATERPROOFING AT BUILDING INTERSECTION TO BE REVIEWED BY WATERPROOFING CONSULTANTS

The Roost @ Blake
DEVI DUTTA ARCHITECTURE

BALCONY DETAILS
SCALE: as noted
<table>
<thead>
<tr>
<th>QUANTITY SYMBOL</th>
<th>BOTANICAL NAME</th>
<th>COMMON NAME</th>
<th>SIZE</th>
<th>WATER REQ</th>
<th>REFERENCE</th>
<th>SUMMER DRY AS PER EBMUD &quot;PLANTS &amp; LANDSCAPES FOR SUMMER-DRY CLIMATES&quot;</th>
<th>ADJACENT TO OBSTRUCTION</th>
<th>PROJECT SPACING</th>
<th>MIN-MAX SPREAD</th>
<th>SPREAD REFERENCE</th>
<th>INVASIVE</th>
<th>DROUGHT TOLERANT CA NATIVE, MEDITERRANEAN OR CLIMATE ADAPTED PLANTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>TRES</td>
<td></td>
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</tr>
<tr>
<td>3 ACE-FIR</td>
<td>Acer palmatum 'Fireglow'</td>
<td>Fireglow Japanese Maple</td>
<td>15 gallon can</td>
<td>Medium</td>
<td>WUCOLS</td>
<td>No</td>
<td>No</td>
<td>Not Applicable</td>
<td>10'-15' H and W</td>
<td>Pacific Coast Maples</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>14 CER-DRO</td>
<td>Cercis occidentalis</td>
<td>Western Redbud</td>
<td>15 gallon can</td>
<td>Very Low</td>
<td>WUCOLS</td>
<td>Yes</td>
<td>Some-See Plan</td>
<td>Not Applicable</td>
<td>10'-18' H and W</td>
<td>Sunset WGB</td>
<td>No</td>
<td>Yes (native)</td>
</tr>
<tr>
<td>9 GARELL</td>
<td>Garrya elliptica</td>
<td>Coast Silktassel</td>
<td>24&quot; box</td>
<td>Medium</td>
<td>WUCOLS</td>
<td>No</td>
<td>No</td>
<td>12'</td>
<td>12'-20' H and W</td>
<td>Sunset WGB</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>7 SANFAI</td>
<td>Ginkgo biloba 'Fairmont'</td>
<td>Fairmont Maidenhair Tree</td>
<td>1 gallon can</td>
<td>Medium</td>
<td>WUCOLS</td>
<td>No</td>
<td>No</td>
<td>Not Applicable</td>
<td>15'-25' H x 15'-20' W</td>
<td>Sunset WGB</td>
<td>No</td>
<td>Yes (native)</td>
</tr>
<tr>
<td>5 VEL-WL</td>
<td>Yucca gloriosa 'Whirl'</td>
<td>Whirly Yucca</td>
<td>30&quot; box</td>
<td>Very Low</td>
<td>WUCOLS</td>
<td>No</td>
<td>No</td>
<td>Not Applicable</td>
<td>13'-24' H x 15'-30' W</td>
<td>Sunset WGB</td>
<td>No</td>
<td>No</td>
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<tr>
<td>SHRUBS / PERENNIALS / GRASSES</td>
<td></td>
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</tr>
<tr>
<td>13 AEG-2VA</td>
<td>Aesculus parviflora 'Zwartkop'</td>
<td>Canary Island Rose</td>
<td>1 gallon can</td>
<td>Low</td>
<td>WUCOLS</td>
<td>Yes</td>
<td>No</td>
<td>Not Applicable</td>
<td>2'-3'H and W</td>
<td>Sunset WGB</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>8 ASP-SPR</td>
<td>Asparagus densiflorus 'Sprenger'</td>
<td>Sprenger Asparagus</td>
<td>1 gallon can</td>
<td>Medium</td>
<td>WUCOLS</td>
<td>No</td>
<td>No</td>
<td>Not Applicable</td>
<td>1'-2'H and W</td>
<td>Sunset WGB</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>5 CART-CAL</td>
<td>Carpinus caroliniana</td>
<td>Bush Willow</td>
<td>1 gallon can</td>
<td>Medium</td>
<td>WUCOLS</td>
<td>Yes</td>
<td>No</td>
<td>Not Applicable</td>
<td>2'-3'H and W</td>
<td>Sunset WGB</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>6 CHRY-HAR</td>
<td>Carya floridana</td>
<td>Florida Nut</td>
<td>1 gallon can</td>
<td>Medium</td>
<td>WUCOLS</td>
<td>Yes</td>
<td>No</td>
<td>Not Applicable</td>
<td>2'-3'H and W</td>
<td>Sunset WGB</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>1 CAR-DIV</td>
<td>Cotoneaster salicifolius</td>
<td>Blue Oat Grass</td>
<td>1 gallon can</td>
<td>Low</td>
<td>WUCOLS</td>
<td>Yes</td>
<td>No</td>
<td>Not Applicable</td>
<td>2'-3'H and W</td>
<td>Sunset WGB</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>7 HET-AR</td>
<td>Heteromeles arbutifolia</td>
<td>Toyon</td>
<td>15 gallon can</td>
<td>Low</td>
<td>WUCOLS</td>
<td>Yes</td>
<td>Next to fence</td>
<td>Not Applicable</td>
<td>15'-25'H x 15'-25'W</td>
<td>Sunset WGB</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>41 HEU-MAX</td>
<td>Heuchera maxima</td>
<td>Island Alum Root</td>
<td>1 gallon can</td>
<td>Medium</td>
<td>WUCOLS</td>
<td>Yes</td>
<td>(in shade)</td>
<td>Not Applicable</td>
<td>1'-2'H and W</td>
<td>Sunset WGB</td>
<td>No</td>
<td>Yes (native)</td>
</tr>
<tr>
<td>74 LOM-BRE</td>
<td>Lomandra longifolia 'Breeze'</td>
<td>Spiny Headed Mat Rush</td>
<td>1 gallon can</td>
<td>Low</td>
<td>WUCOLS</td>
<td>Yes</td>
<td>No</td>
<td>3'</td>
<td>2'-3'H x 3'-4'W</td>
<td>San Marcos Grwrs</td>
<td>No</td>
<td>Yes (native)</td>
</tr>
<tr>
<td>38 CAL-MAC</td>
<td>Calystegia macrostegia</td>
<td>Morning Glory</td>
<td>1 gallon can</td>
<td>Low</td>
<td>WUCOLS</td>
<td>Yes</td>
<td>Plant on fence</td>
<td>Not Applicable</td>
<td>2'-3'H and W</td>
<td>Las Plumas Nursery</td>
<td>No</td>
<td>Yes (native)</td>
</tr>
<tr>
<td>GROUND COVERS</td>
<td></td>
<td></td>
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<tr>
<td>9 CAL-MAE</td>
<td>Calafate macrolepis</td>
<td>Morning Glory</td>
<td>1 gallon can</td>
<td>Low</td>
<td>WUCOLS</td>
<td>Yes</td>
<td>Plant on fence</td>
<td>Not Applicable</td>
<td>2'-3'H and W</td>
<td>Las Plumas Nursery</td>
<td>No</td>
<td>Yes (native)</td>
</tr>
<tr>
<td>75 SED-OFE</td>
<td>Sedum oreganum</td>
<td>Oregon Stonecrop</td>
<td>4&quot; pot</td>
<td>Low</td>
<td>WUCOLS</td>
<td>Yes</td>
<td>No</td>
<td>Not Applicable</td>
<td>1'-2'H and W</td>
<td>Monrovia Nursery</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>15 SED-CAP</td>
<td>Sedum spathulifolium</td>
<td>Cape Blanco Stonecrop</td>
<td>4&quot; pot</td>
<td>Low</td>
<td>WUCOLS</td>
<td>Yes</td>
<td>No</td>
<td>Not Applicable</td>
<td>1'-2'H and W</td>
<td>Monrovia Nursery</td>
<td>No</td>
<td>No</td>
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<tr>
<td>TOTAL PLANTS</td>
<td></td>
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<td>416</td>
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</tbody>
</table>

1 A plant that is adapted to summer dry climates must be identified by a third party reference. Below is a list of sources that qualify with the following classifications:
EBMUD: Plants and Landscapes for Summer-Dry Climates of the San Francisco Bay Region by EBMUD — "infrequent" or "occasional" or "no summer water", plants that are " occasional to moderate" water may qualify if they are in the appropriate climate and exposure.
CNP: California Native Ranks for the Garden by Barneon, Foss & O'Brien — "occasional" or "infrequent" or "drought tolerant" 
SUNSET: Sunset Western Garden Book — "light" or "very low" water.
WUCOLS: Water Use Classification of Landscape Species. "Low" or "Very Low" water.
PERRY - Landscape Ranks for California Gardens by Bob Perry; "L, IG 1", "L, IG 2" or "M, IG 2"

2 For the column marked "Invasive", use Cal-IPC Don't Plant a Pest List for the San Francisco Bay Area.

Note: For more information see the Bay-Friendly Rating Manual
10 Carex divulsa (Berkeley Sedge)

11 Clivia miniata (Katir Lily)

12 Helictotrichon sempervirens (Blue Oat Grass)

13 Heteromeles arbutifolia (Toyon)

14 Heuchera maxima (Island Alum Root)

15 Juncus patens 'Elk Blue' (California Grey Rush)

16 Lomandra longifolia 'Breeze' (Spiny Headed Mat Rush)

17 Ribes sanguinium (Red Flowering Current)

18 Stipa tenacissima (Mexican Feather Grass)
DRC SUMMARY – July 16, 2015

2029 BLAKE STREET [between Shattuck and Milvia] (DRCP2014-0022): Continued Preliminary Design Review to demolish two existing non-residential buildings and construct a new mixed-use development containing 82 apartments, 1,896 square feet of retail/café area, and two live/work units.

Preliminary Design Review received a favorable recommendation to ZAB with the following conditions and recommendations for Final Design Review: MOTION (Goring, Anno) VOTE (6-0-0-1) Hall – absent.

Conditions:
- Corner awnings should be more functional or if that is not possible, than omit.
- Make some gesture toward zero-net energy.
- Provide a high-quality aluminum window, with recessed detail.

Recommendations:
- Colors and material changes still look random and with some tweaking could help the massing and design read more as forms and not just surfaces.
- Color palette should have more life. While first proposal was too much, this color palette is too subtle.
- The different grays are hard to distinguish. There should be more contrast, and light tones.
- Metal siding pattern, big rib and two small ribs, looks good.
- Trespa panels look good, especially with concealed fasteners as shown.
- Glass balcony is too open – not enough privacy. Glass could be more fritted.
- Where balconies are grouped together, consider extending side walls for privacy.
- Awnings should be used for shading, at least on the south side.
- Garage door should be reviewed at FDR. Provide more details.
- Look carefully at the garage door opener to minimize noise.
- Strongly recommend adding sound attenuation in garage space to handle noise from parking lifts.
- Courtyard width appears to narrow for this size project.
- Look carefully at the soil where proposing permeable pavers.
2029-2035 Blake Street

Use Permit #ZP2014-0069 to demolish two existing non-residential buildings and construct a new 5-story mixed-use project with 82 residential units, two live/work units, a 1,896 sq. ft. ground-floor retail space, 68 auto parking spaces in a basement level garage, and 67 bike parking spaces.

The Zoning Adjustments Board of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Section 23B.32.020, on **Thursday, November 12, 2015** at the Maudelle Shirek Building, 2134 Martin Luther King, Jr. Way, second floor Council chambers (wheelchair accessible). The meeting starts at 7:00 p.m.

**PERMITS REQUIRED:**

- Use Permit for demolition of existing commercial structures;
- Administrative Use Permit for rooftop equipment and architectural elements that would exceed the District’s high limit;
- Use Permit for a mixed-use development of more than 5,000 square feet;
- Use Permit for live/work units;
- Administrative Use Permit to allow a quick or a full service restaurant with more than 1,000 square feet;
- Administrative Use Permit for alcoholic beverage service of beer and wine incidental to food service at a quick or a full service restaurant;
- Use Permit for construction of more than 3,000 square feet of gross floor area;
- Use Permit to increase the maximum height of the building from 36 feet to 60 feet and the maximum number of stories from 3 to 5;
- Use Permit to reduce the front yard setback from 15 feet to 0-4 feet, reduce the rear yard setback from 17 feet on the 4th floor to 15 feet and reduce each side yard setback from 4-6 feet to 0 feet;
- Use Permit to increase the maximum lot coverage to 88%, when the maximum is 35%;
- Use Permit to modify or waive approximately 1 commercial parking space; and
- Use Permit to modify or waive approximately 1 residential parking space.

**APPLICANT:** Rhoades Planning Group; 1611 Telegraph Avenue, Suite 200, Oakland, CA 94612
ZONING DISTRICT: C-SA, South Area Commercial

ENVIRONMENTAL REVIEW STATUS: Categorically exempt under Section 15332 of the California Environmental Quality Act (CEQA) Guidelines (“Infill”).

The Zoning Application and application materials for this project is available online at: http://www.cityofberkeley.info/zoningapplications

The agenda and staff report for this meeting will be available online 3 to 5 days prior to this meeting at: http://www.cityofberkeley.info/zoningadjustmentsboard

Correspondence and Notice of Decision Requests

• Communications to Berkeley boards, commissions or committees are public record and will become part of the City’s electronic records, which are accessible through the City’s website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.

• To distribute correspondence to Board members prior to the meeting date -- submit comments by 12:00 noon, seven (7) days before the meeting. Please provide 15 copies of any correspondence with more than ten (10) pages or if in color or photographic format.

• Correspondence received by 5:00 p.m. on the Tuesday before the meeting will be posted on the ZAB web site for review by the Board and public prior to the meeting. Correspondence received later, and after the meeting, will be posted to the web site following the meeting.

• Any correspondence received after this deadline will be given to Board members on the meeting date just prior to the meeting.

• Staff will not deliver to Board members any additional written (or e-mail) materials received after 12:00 noon on the day of the meeting.

• Members of the public may submit written comments themselves early in the meeting. To distribute correspondence at the meeting, please provide 15 copies and submit to the Zoning Adjustments Board Clerk just before or at the beginning of the meeting.

• Written comments, or a request for a Notice of Decision should be directed to the ZAB Secretary at: Land Use Planning Division (Attn: ZAB Secretary), 2120 Milvia Street, Berkeley, CA 94704 OR at zab@ci.berkeley.ca.us.

Accessibility Information / ADA Disclaimer

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three
business days before the meeting date. Please refrain from wearing scented products to this meeting.

**SB 343 Disclaimer**
Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the Permit Service Center, Planning and Development Department located at 2120 Milvia Street, Berkeley, during regular business hours.

**Notice Concerning Your Legal Rights**
If you object to a decision by the Zoning Adjustments Board regarding a land use permit project, the following requirements and restrictions apply:

1. If you challenge the decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Zoning Adjustments Board at, or prior to, the public hearing.
2. You must appeal to the City Council within fourteen (14) days after the Notice of Decision of the action of the Zoning Adjustments Board is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, the following requirements apply:
   A. That this belief is a basis of your appeal.
   B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
   C. All evidence and argument in support of your belief that the decision or condition constitutes a "taking" as set forth above.
   If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.
**Further Information**

Questions about the project should be directed to the project planner, Shannon Allen, at (510) 981-7430 or ShAllen@cityofberkeley.info. All project application materials, including full-size plans, may be viewed at the Permit Service Center (Zoning counter), 2120 Milvia Street, during normal office hours.
Figure 1: Project Vicinity
Figure 2: Proposed Site Plan
**Figure 3: Proposed South Elevation**

![Diagram of the proposed south elevation of the building.]

**Figure 4: Proposed East Elevation**

![Diagram of the proposed east elevation of the building.]

Figure 5: Proposed West Elevation

![Proposed West Elevation Image]

Figure 6: Proposed North Elevation

![Proposed North Elevation Image]
Dear Zoning Board,

I am a resident on Dwight Way in Berkeley. My workplace is located on Blake Street very near to "The Roost @ Blake". I am writing about a number of issues that worry me about this construction. First of all, are any of the 82 residential units or the 2 live/work units affordable housing? This is an extremely important issue for me, as I see Berkeley building more and more "luxury apartments" and condos for wealthy people. This kind of market place housing can only exacerbate Berkeley's problems with homelessness and gentrification.

As well, I just don't see how this project is going to work insofar as the traffic issues. The addition of 68 parking spaces is not going to really suffice when you're talking about retail space, as well as 84 residences. Blake Street is already heavily trafficked. With new buildings on Shattuck and Dwight Way and Shattuck and Parker going up, my neighborhood is one big construction zone with trucks and noise non stop. This is only going to worsen the situation. Lastly, how are all those cars going to access either Shattuck or MLK? There's no stop light on either Shattuck and Blake or MLK and Blake. In short, I feel that this project does not fit this neighborhood. In fact, I think that "The Roost" is for the birds!

Best,

Betty Amberg
From: Greg Jan [mailto:gregjan4@yahoo.com]
Sent: Thursday, November 12, 2015 9:57 AM
To: Zoning Adjustments Board (ZAB) <Planningzab@ci.berkeley.ca.us>; Zoning Adjustments Board (ZAB) <Planningzab@ci.berkeley.ca.us>
Subject: For tonight's (Nov. 12) ZAB agenda item #6: 2029 Blake St.

To: Zoning Adjustments Board c/o
Zoning Adjustments Board Secretary
Land Use Planning Division
ZAB@CityofBerkeley.info
Greg Powell, zab@ci.berkeley.ca.us

From: Grassroots House,
2022 Blake St., Berkeley

Re: 2029 Blake St., Berkeley

Dear Zoning Adjustments Board,

Regarding item #6 of your November 12th agenda (2029 Blake St), our nonprofit building (at 2022 Blake St.) is located less than 100 feet from the proposed project. We house six community groups, some of which often have 15 to 20 volunteers working in our building at a time.

Our volunteers already have a difficult time finding parking spaces when they come to our building. The increase in the number of residents and their guests, businesses and their clientele, delivery vehicles and other traffic due to the proposed project, will have a considerable adverse impact on our facility and all other existing residents and businesses in the 2000 block of Blake Street and the rest of the affected neighborhood of the project.

We suggest that the project be designed so, at minimum, that it provides for all the increased demand for parking that it will generate. This includes not only the increased number of residents and their potential guests, (e.g. two or more spaces per unit), but also provision for clients and delivery vehicles and other traffic that would otherwise seek to use street parking. At the very least, the impact of the proposed structure should not result in greater difficulty of parking for anyone in the neighborhood, and if the intent is for the structure to benefit everyone, a gesture of improving the availability of parking would seem to be in order. In other words, this project should not make it more difficult for us (or anyone) to find parking along the 2000 block of Blake. In fact, if it wants to make itself welcome, the project may wish to invest in facilities and modifications that will actually make parking easier.

We also feel, in general, that the project is out-of-scale for this neighborhood, and that it will greatly increase traffic, noise, and pollution along Blake Street. So therefore we think that the overall scale of the project should be significantly reduced.
Finally, if the "basement level parking garage" being proposed means more than a few feet of excavation, we are also concerned for disruption that we may have to endure for many, many months.

We look forward very much to hearing back from you, and your responses to our concerns.

Sincerely,

Grassroots House
2022 Blake St.
A 501(c)(3) nonprofit
From: John Gilmore [mailto:gillyjt@gmail.com]
Sent: Friday, November 06, 2015 1:25 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@ci.berkeley.ca.us>
Subject: 2029-2035 Blake Street. #ZP2014-0069

My concern is traffic control. The intersection of Blake and Shattuck is a mess. Cars. bicycles. Pedestrians. How about a traffic light? There is only one light between Dwight Way and Ashby. More projects being built. More planned. South Shattuck needs help.

Thank you.

John Gilmore
Dwight Way
ITEM #: 6   ZAB DATE: 11-12-2015

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 2029 Blake

NAME Kelly Hammargren
(Please Print- to be sure we spell your name correctly)

SUPPORT _______  OPPOSITION _______
(Optional)

RESIDENT X  BUSINESS OWNER _______

SIGNATURE: [Signature]

PHONE 510-325-1218  DATE 11-12-2015
(In case we would like to contact you)

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ITEM #: 6   ZAB DATE: 11-12-2015

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

NAME Elizabeth Anberg
(Please Print)

AGENDA TOPIC 2029 Blake
(Project Address)

SUPPORT _______  OPPOSITION _______

SIGNATURE: [Signature]

ADDRESS 2029 Derby Way

PHONE 510-841-7030  DATE 11-12-2015

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CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

NAME Marianne Skaics
(Please Print)

AGENDA TOPIC 2029 Blake St
(Project Address)

SUPPORT _______  OPPOSITION _______
(Optional)

SIGNATURE: [Signature]

ADDRESS 2139 Derby St

PHONE _______  DATE 11-18-15
(In case we would like to contact you)

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CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

NAME Gianna Ranzi
(Please Print- to be sure we spell your name correctly)

SUPPORT _______  OPPOSITION _______

RESIDENT X  BUSINESS OWNER _______

SIGNATURE: [Signature]

ADDRESS _______

PHONE _______  DATE 11-12-15
(In case we would like to contact you)
NAME: Gale Garcia
AGENDA TOPIC: 2029-35 Bake
(Support/Opposition)
SIGNATURE
ADDRESS
PHONE
DATE

# 6
DRC SUMMARY – May 21, 2015

2029 BLAKE STREET [between Shattuck and Milvia] (DRCP2014-0022):
Preliminary Design Review to demolish two existing non-residential buildings and
construct a new mixed-use development containing 72 apartments, 2200 square feet of
retail/café area, and three live/work units.

Preliminary Design Review was continued with the following recommendations:
MOTION (Williams, Edwards) VOTE (7-0-0-0.)

Recommendations:

Neighborhood Context

- Look at ways to soften the podium’s impact on the adjacent parcels.
- There is concern with the podium windows near the rear property line since the parking
  lifts are noisy.
- Look carefully at the bay design and its impact on the public right-of-way.
- Look at ways to soften the west elevation further. Studio units on that west side may be
  reconfigured.
- Garage entrance on the east side of the parcel would have less impact on the adjacent
  residential structure.

Building Design

- Show the shade treatment proposed for large windows.
- Garage door design should be refined.
- Look more closely at security for bike parking.
- Recommend reusing the brick from the existing buildings if possible.
- Railing design appears heavy; look at alternating some slats.
- Look more carefully at the railing details to resolve any safety issues.
- Organize all rooftop projections, including equipment.
- Designate locations for art opportunities.
- Committee was mixed on the colors; further refine proposed palette.

Open Space / Landscape Plan

- If the courtyard were on the ground floor, it could have more visibility from the sidewalk
  and adjacent parcels.
- Open space on podium cannot enjoy the landscape in the rear biofiltration area as
  designed.
- Private decks on roof appear to be a lot of visual impact for the amount of amenity
  gained.
- Taller, more open trees are recommended in the biofiltration area.
- Roof deck looks appropriate as a secondary common open space, since too windy for
  the main one.

Interior Layout / ZAB issues

- Refine the unit layouts for increased livability. Some bedrooms look too small.
2029 BLAKE STREET [between Shattuck and Milvia] (DRCP2014-0022): Continued Preliminary Design Review to demolish two existing non-residential buildings and construct a new mixed-use development containing 82 apartments, 1,896 square feet of retail/café area, and two live/work units.

Preliminary Design Review was continued with the following recommendations: MOTION (Goring, Williams’) VOTE (5-0-0-1) Anno - absent.

Recommendations:

Building Design

- Building still looks massive, especially from the east. Look more carefully at the final parapet expression.
- Trellis should be a more substantial design.
- Clarify colors and materials proposed. This could be at FDR if needed.
- Black or dark grey color looks too dark.
- Green can be very difficult to get the right shade. Still needs more refinement.

Open Space / Landscape Plan

- Redbud tree in bio swale is preferred. It is lighter, more delicate, and has flowers. Red Maple would be another suitable alternate.
- Street trees should have more planting strips with pavers along the curb, not concrete. Recommend as much permeability in the sidewalk area as possible.
- Gingko trees are better for a street tree selection than the Magnolias across the street.
- Parklets could be in the sidewalk, since there’s a wider sidewalk.
- Look at plant palette in conjunction with the shadow study.
- Podium courtyard should be more passive since very near units.
- Fourth floor decks on the west side appear to have more impact on the neighborhood to the west than the other roof decks. Look carefully whether these are needed.

Interior Layout / ZAB issues

- Some bedrooms still look too small.
DRC SUMMARY – July 16, 2015

2029 BLAKE STREET [between Shattuck and Milvia] (DRCP2014-0022): Continued Preliminary Design Review to demolish two existing non-residential buildings and construct a new mixed-use development containing 82 apartments, 1,896 square feet of retail/café area, and two live/work units.

Preliminary Design Review received a favorable recommendation to ZAB with the following conditions and recommendations for Final Design Review: MOTION (Goring, Anno) VOTE (6-0-0-1) Hall – absent.

Conditions:
- Corner awnings should be more functional or if that is not possible, than omit.
- Make some gesture toward zero-net energy.
- Provide a high-quality aluminum window, with recessed detail.

Recommendations:
- Colors and material changes still look random and with some tweaking could help the massing and design read more as forms and not just surfaces.
- Color palette should have more life. While first proposal was too much, this color palette is too subtle.
- The different grays are hard to distinguish. There should be more contrast, and light tones.
- Metal siding pattern, big rib and two small ribs, looks good.
- Trespa panels look good, especially with concealed fasteners as shown.
- Glass balcony is too open – not enough privacy. Glass could be more fritted.
- Where balconies are grouped together, consider extending side walls for privacy.
- Awnings should be used for shading, at least on the south side.
- Garage door should be reviewed at FDR. Provide more details.
- Look carefully at the garage door opener to minimize noise.
- Strongly recommend adding sound attenuation in garage space to handle noise from parking lifts.
- Courtyard width appears to narrow for this size project.
- Look carefully at the soil where proposing permeable pavers.
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Riverside, CA 92504
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After-Hours Telephone - 951-536-0850
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* * * * *
CHAIR PINTO:

So now we are going to move on to item six, 2029 Blake Street. And let's hear from staff, the staff report on this. Shannon, go ahead.

STAFF: This is a use permit to demolish two nonresidential buildings and construct a new mixed use project with 82 residential units, two live/work units, 1896 square feet of ground-floor retail space, 68 auto parking spaces in a basement level garage, 67 bike parking spaces, the majority of which would be in the garage, approximately 89 five hundred square foot of open space and a parklet in the Blake Street right of way.

The land use designations for the site, the general plan designation is avenue commercial and the zoning is commercial self area. The zoning permits required, a use permit for demolition of the commercial structures, an administrative use permit for rooftop equipment and architectural elements exceeding the district's height, a use permit for a mixed use development of more than 5,000 square feet, a use permit for the live/work units, an administrative use permit to allow a quick or full-service restaurant, administrative use permit for alcoholic beverage service beer and wine incidental to food, use permit for construction of more than 3,000 square feet of gross floor area and a use permit to reduce the front yard setback from 15 to 0 to four feet, reduce the rear yard setback from 17 to 15 feet, only on the fourth floor, reduce the west side yard setback from six feet to five feet on the third floor, reduce the east yard setback from four feet to 0 feet on the first and second floors, from six feet to 0 feet on the third floor, and from ten feet to eight feet on the fifth floor, and table four really highlights the setbacks that are being requested.
There's a use permit to increase the maximum lot coverage to 71.4 percent, and a use permit to modify or waive approximately one residential parking space.

The CEQA determination is that this project is categorically exempt pursuant to section 15332 of the CEQA guidelines, since it is an in-fill project.

Skipping ahead to the project setting, the neighborhood, and the area description. The project site is located on the north side of Blake Street in the south area commercial zoning district. To the west of Shattuck Avenue and to the east of Milvia Street. I'm going to try to laser point at this diagram because in this case a picture is definitely worth a thousand words.

The project site is in the CSA, and this here is fronting Shattuck, commercial uses that front Shattuck, also in the CSA. But to the north and west of the side is the R four zoning district. Across Blake Street there's also CSA on the corner of Shattuck and Blake and then R four further to the west.

So in the area of the north and west in the R four is characterized by a mix of medium to high-density residential buildings as well as medical buildings and a few commercial buildings. The area to the south and east is in the CSA zoning district. It is characterized by a mixture of commercial mixed use and residential uses. The project site is .6 miles from Downtown Berkeley BART and .8 miles from Ashby BART. And there are AC transit lines that run on Shattuck as well as Dwight and on the other side closer to MLK.

So the project site consists of three parcels which are developed with 21-story buildings and a surface parking lot. And those are in dashed lines on this. And for the members of the ZAB, this is
sheet A one in the packet. So you can see there's two buildings that are essentially to the property line on the west and east of the site and then a surface parking lot through the center.

In terms of neighborhood and community concerns, when the staff report was written, we had received one e-mail communication regarding the project expressing concerns with traffic and project construction as well as affordable housing. Since that time, we received two additional e-mails, one also expressing concerns with traffic and another expressing concerns with traffic, affordable housing, and project character.

So the project would require the demolition of two commercial buildings that are over 40 years in age. The proposed demolition was brought before the Landmarks Preservation Commission for review. And at the March 5th LPC meeting they took no action to initiate a landmark or structure of merit designation. In terms of Design Review Committee, the project has been through the DRC process. After three meetings, at the July 16th meeting, the DRC gave a favorable recommendation to ZAB.

In terms of issues, the staff report includes in-depth analysis on neighborhood compatibility, which is also closely tied with the lot coverage and the lights and shadow issues. The proposed setbacks and building articulation, as the building has been designed and redesigned, is compatible with the design and character of the district and the existing buildings in the adjacent residential district. And again, this is detailed in the staff report, and I believe that the applicant team will go into greater details in terms of the setbacks. And this is, again, going to this diagram.

So this is a one-story element of this primarily two-story residence, which is perhaps two feet from the property line. In the back is a two-story residence, multi-family building which is five feet from
the property line. Behind this there is a one-story residence that is perhaps two feet, and then further to the north is a two-story residence, a three-story mixed use, multifamily, and a four-story multifamily, and this is a surface parking lot. And they have moved the proposed project, which is a U-shaped building, to the east and south of the site, moving it closer to the other buildings in the CSA, and further away from these residential uses.

In terms of parking, the subsurface parking garage would provide spaces for 68 vehicles, 63 spaces would be allocated for the residential use, two parking spaces would be allocated for live/work, and three spaces are provided for the commercial use where four spaces are required. So a use permit is necessary for the waiving of one parking space. And the board may reduce that off-street parking space subject to the findings in BMC 23 E, 28140. And given the proximity to transit and the mixed use nature of the site, staff believes the findings can be made.

In addition, there are conditions of approval that have been added related to TDM, conditions that are standard in the downtown but are not requirements in the CSA.

In terms of general plan and area plan consistency, the project is consistent with plans and policies broadly related to in-fill development, avenue commercial areas, and shadow green buildings, neighborhood quality of life. And because of the project's consistency with the zoning ordinance and general plan and minimal impact on surrounding properties, staff recommends that the Zoning Adjustments Board approve this use permit, and there is one change proposed to the findings and conditions, and that is on condition 53 regarding bike parking, secure and onsite bike parking for at least 61 bicycles shall be provided for the
life of the building. So at least has been added to that condition of approval. Thank you very much.

>> CHAIR PINTO: Okay. Thank you, Shannon.

Any questions for staff?

Yes, Igor and then Sophie.

>> I. TREGUB: Thank you. On table four lot coverage is discussed and states that the existing lot coverage is 66 percent. Is that counting the surface parking as well, or just the two buildings?

>> STAFF: Just the two buildings.

>> I. TREGUB: Thank you.

>> CHAIR PINTO: Sophie.

>> S. HAHN: Yeah. Just a couple questions on the conditions, probably just yes or no. Regarding the bikes, condition 28 requires a couple of added spaces, and then condition 53 requires 61 spaces total. And I thought it was a little confusing where it is 58 plus three, which equals 61, or is it 61 plus three? I don't need an answer right now but if you can just look at the interaction of those two, I think they might need to be modified.

Condition 60, there's hours of operation for the restaurant, seven until midnight, but I didn't see any hours of operation for the alcohol service, and I couldn't remember, do we just let alcohol service be the same hours as the restaurant, or do we usually maybe make those lesser hours?

I had a strict question whether this goes back to design review, because I noticed there was a lot of design review comment. I was just curious. Does this go back to design review or are we being asked to approve it as-is and design review doesn't look at it again?
You are being asked to approve it as-is and any design review comments would be addressed at final design.

S. HAHN: So they would be going back?

STAFF: At the building permit stage.

CHAIR PINTO: It goes back for final design review.

S. HAHN: So it will go back. I had a question about the parklet. I think it was cool and nice to give public space. And a parklet is in the public right of way and it will be public space. But I didn't see any conditions about who is going to maintain it. And I was concerned about that, that if they build it in this right of way, whose job is it to keep it up when things break? I'm always kind of nervous with those parklets that someone might crash into it and that they could be damaged and that there can be safety issues for the people using them.

So I was missing whatever you might put in about it is in the public right of way, I would like to see conditions about the maintenance.

Last but not at least --

CHAIR PINTO: On to that topic, do you mind if I just -- to follow on your comment.

S. HAHN: Sure, and I had only one more.

CHAIR PINTO: One question I had is has that been vetted with public works? Because I have done these in other cities and they have been rejected for a number of reasons. One is specifically the street sweepers can't get in to those angles. And it becomes a catchment area for a lot on of debris. Has public works signed off on this or is it just an idea at this point in time?

STAFF: I would say it is somewhere in between. We have a round table discussion, an interdepartmental round table, where public works has reviewed this but it is not signed off on by public works at
this time. And I would also say they don't need -- the applicant does not need to count those 400 square feet of open space to meet the requirements for the project.

>> CHAIR PINTO: But they are counting the two bicycle parking spaces on it.

>> STAFF: And staff is saying that offsite bicycle parking does not count towards your parking requirements.

>> CHAIR PINTO: Thanks for the clarification. Go ahead, Sophie.

>> S. HAHN: Maybe that was the confusion with those numbers, right?

So my last question is really just a comment. On condition 55 A about clipper cards, I noticed that you guys used language that I don't believe I have seen before saying that they are only required to give a clipper card with a value equivalent to a bus pass. And I wouldn't quibble with that on this project. They are providing the parking and given transit passes, which is great. So there is a lot of transit accommodation, shall we say, amenities. But on a building where they waived a lot of parking or all of it, I'm not sure I would agree with that. So I was just curious where that came from or did I just miss it and it has been there before?

>> STAFF: Well, the 55 A relates to employees. So this condition is standard for the commercial use on the property. The pieces that have been added because they are asking for waiving one relates to the residence.

>> S. HAHN: Sorry. My mistake. I'll look at it more carefully. But I just had never seen that language about a clipper card
but limited in value to the value of a bus pass. And that seemed kind of nitpicky.

>> CHAIR PINTO: Any other questions?

All right, seeing none, why don't we call up the applicant, Mark. And you have five minutes.

>> Can we put our -- thank you, Mr. Chair, and members of the ZAB.

At RPG we pride ourselves on bringing really high quality projects to the city, and this is one that we are really proud of. And I really want to get into the massing of the project, because I think it is the most important part of the story here. And certainly the questions I have heard, we have good answers for. And I will just start off by saying we can put 65 bike parking spaces on the project and agree to that in the conditions, but let's go through this.

Staff's already gone through the project setting and the context. This is our neighborhood. We have got the downtown to the north. It is very walkable. We know this neighborhood well. We have projects under construction right here, right here, and across the street down here in addition to some of the activity that is going on in the downtown, badly needed housing, both market rate and affordable. And this project, of course, does both.

Before we designed a building, we took the neighborhood into account for a long time. We percept a great deal of time understanding the building context around us, and staff did a great job of explaining just how mixed use this neighborhood is from retail and food service on Shattuck to medical office to high density residential and some lower density residential a bit further to the west. So there's a lot of constraints for this project from the standpoint of its context and its
neighbors. And then we have zoning envelopes in the R four, which actually allows up to six stories with a use permit. And then we have the CSA next to us over here. The project is large, and I'm trying to make sure that I don't use the word "modest" tonight in my presentation.

>> CHAIR PINTO: I would avoid that word, Mark.

>> I'm going to do that. Except on our parking reduction. But this is the diagram that we worked on with our architect, Debbie, who is here, and our landscape architect is here as well. Sort of understand the sensitivities of the project and the places where the building massing was going to need to be pulled back. Staff has talked about this area back here where we have higher density. They talked about this area right here and we want to get into some finer grain of detail on this.

So this is our original concept massing. That changed significantly after our first trip to DRC. Most specifically, this piece of it back here changed, which is the piece that is most right up against the residences right here.

This is the project that we originally submitted. And you will see that based on the massing we had this podium concept back here. I have zoomed in on it here so you can see what that looked like from Dwight way. The back of the box was going to look like this from that parking lot. A tough circumstance, but we thought, well we really want to put the parking in this project. And where else are we going to put it? Then we went to the DRC. And I love the DRC process. People ask me all the time, how do you put up with that? It makes projects better. And this project is no exception to that. Our original concept, of course, had ground floor parking so we had the great big mean box set back from the rear, but pretty much around the project you accessed it here and you had all of
this parking in here. Our ground floor was constrained, bike parking was constrained, etc.

In the 3-D RC meetings there were numerous issues that they wanted us to deal with, but the one that I want to spend the most time on is the big idea that came from the DRC that we kind of jumped all over. The DRC put it underground. As we heard earlier, smaller lots it doesn't work so well. But it was pointed out by the DRC that if you put the parking on the ground you might be able to put some more units to offset the cost and that's what we did.

I will spend the rest of the time talking about the fact that by putting the parking underground we were able to open up setbacks on this side, open up setbacks on the back. So instead of a 15 or 18 foot high box all around this project, it is ground level. We have ground level open space through the middle. We have modulated this space. That is a little commercial building on the side that is added on to the front of the house. We have used most of the setback back there where the residences are and we have 15 to 20 foot setbacks essentially on both sides of the project with the ground floor open space in the middle of the rear back here to provide some relief to these high density residential spaces back here, and we have cut a notch in this building to help get sunlight into the middle of that project during the day. So we are asking for some lot coverage use permits, and I do want to add that we want to ask to reduce the parking --

>> CHAIR PIN: Are you almost done? I'll give you a little more time.

>> I'm almost done.

>> CHAIR PIN: Go ahead.
We want to reduce the parking by two spaces because we want to put car share that is accessible for the neighborhood, not just the project.

CHAIR PINTO: Two cars?

Two cars. We want to reduce that much. Not really reducing it, but we are adding car share. We think this is a great project based in large part of the DRC's suggestion. And the parklet wasn't our idea. It was the people across the street's idea, the folks who worked in that office building said hey if you are going to propose a cafe why don't you think about the parklets that we are starting to see in the city. So we thought, okay, we will be adding. If you leave the parklet there, 3 New On-Street parking spaces get provided in the neighborhood just because we are closing up the great big wide driveways. If you take the parklet away it is two more parking spaces. But the neighbors wanted the parklet if the cafe use gets approved.

I'm happy to answer questions. We have tons and tons of slides and diagrams that we can walk through but I wanted to focus on what we were able to do primarily with the ground floor, and what you see with the setbacks. We even have a dog park on the property. With, that I'm happy to try and answer any questions.

CHAIR PINTO: Yeah. Steve and then Igor.

S. DONALDSON: Could you recap the unit mix throughout the building? Size?

We are a mixture of studios, one bedroom units and two-bedroom units. I think we are primarily one-bedroom units. About -- what's your breakdown -- 30 and change, one bedroom is three and change studios and I think about 15, 16, 17, two-bedroom units.
STAFF: Let me give this a try, 32 studios, 34 one-bedroom units and 16 two-bedroom units.

S. DONALDSON: And you are providing inclusionary housing?

Provide either seven BMR units or approximately $2 million to the housing trust fund in lieu.

S. DONALDSON: Okay.

CHAIR PINTO: Igor.

I. TREGUB: Thank you. So just to clarify, are you proposing reducing the parking count below what is currently proposed?

Yeah. We had asked for a reduction of one parking space. We are asking for a technical reduction of two more because we want them to be car share spaces.

I. TREGUB: For car share.

We pride ourselves on how we do the parking for the projects because they become the micromultimodal transportation hubs for the neighborhoods, and of course the project is not going to be able to get residential permit parking because we are asking for the waiver of one to three spaces.

I. TREGUB: Thank you. And then my second question is the target rent that you would like to charge on the market rate units and possibly a different way of asking the same question is was your target demographic for the residents.

I don't think we are supposing what that is going to be. I don't even know what the target rents are going to be. It is not being built for students. The fixtures and finishes in this building are going to be durable and high quality. So young professionals, maybe older people who want to get closer to the downtown in a smaller unit.
the units on the top floor actually have rooftop patios in addition to the four other open space areas that the project supports.

>> I. TREGUB: Thank you.

>> CHAIR PINTO: Sophie and then Richard.

>> R. CHRISTIANI: I'm okay.

>> CHAIR PINTO: Sophie, go ahead.

>> S. HAHN: Thank you. I really like this project. Thank you very much. This is question time, but before I ask a couple of questions I want to say that I really like the design. I like the courtyard. I really like the mix of apartment sizes. I think it means that different kinds of people live there for different periods of time. Some for a long time, maybe some turn over more quickly. I noted that your smallest studio is over 400 square feet, which I appreciate. And I don't mind the small, and that's not really particularly small, but I don't mind a really small unit in a building that has other amenities.

So I think it is quality housing in an excellent location and I think you have nice common areas and I just want to thank the team for bringing a nice project to us.

>> And DRC.

>> S. HAHN: And thank DRC.

>> CHAIR PINTO: Wait, Mark, there's more.

>> S. HAHN: I just have a couple questions. First of all car share was one of my questions, but you have answered that.

The first is that I would love for you to commit to doing affordable in-house -- affordable onsite. I think that this is a building where families could live, an older person could age in place. And I would love to see you actually build it. Is there any reason why you wouldn't do that? Why is it either or? Could you guys commit to that?
I can certainly talk to my client about it. I'm not sure that they would be willing to make that commitment right now. And I'm of both persuasions, really, in working with our housing department over the years, the rent board, and others. There's two mindsets about that, really. Our housing trust fund has almost $0 in it at the moment for the most part, and the ability to leverage that money to create more affordable housing in the downtown environment is a big deal.

S. HAHN: We don't have a lot of sites, though, and this would get it built.

I appreciate that.

S. HAHN: That's one of my comments. And two things that were I guess in the design review comments that I would like you to address. One is the green features. Someone suggested even trying to go to 0 net energy. Could you address that? And the second is the courtyard width. Did you change it after the design review suggested it is too narrow? Is this a new and better one? And if not, what were you thinking? So the courtyard and the green stuff.

We did — so let me address the courtyard first. Because we sank the podium underground this is another project for us where you can stand on the sidewalk look through the lobby and you can see green stuff beyond. So it really changed the project from that perspective. We did, I think, slightly widen the interior courtyard area, not significantly. I think it is 15 to 20 feet depending on where you measure.

25 to 30.

25 to 30 feet. So it is about double what we are typically working with on this. And any more and you are starting to push up against the setbacks on the other side we are trying not to do. We think it is a nice, intimate space. And there are three or four different
places where different groups of people can hang out in there. And then again, that sinking of the -- right there where you see this right here is a patio on the roof of the third floor, so that's a key slot so that some light can get down into that courtyard during the day.

On the green, you are seeing the solar arrays right here. These are going to be solar hot water which kind of gives us the most bang for the buck. And then with the transit stuff that we have, the building materials we will be using, we really scored LEED gold if we were going to go certify the project. And part of that is based on location but part of it too is the types of building materials we are going to use, the solar, and the transit options.

>> CHAIR PINTO: Any other questions for the applicant?
I do have other comments, so -- is this for the applicant or the board? Can it wait?

>> I. TREGUB: I'll wait to see the comments.

>> CHAIR PINTO: Mark, I did have one question. The car share, because other developers, and I know this has been a problem with city car share and zip car to get dedicated cars in a spot that has a locked gated garage. So is that under contract? Is that a real thing?

>> It is not under contract. But there are ways to do it. For instance, Patrick has them in the GAIA building. The people that are going to sign up to use that car get an FOB to your garage. Yeah there's a bit of a security issue involved in that. You have to make sure that there's not a way for them to get into your elevator lobby and then upstairs. But it's an is that true we think we can work with. And car share, this project will probably use zip car, which has some slightly different standards for users.
CHAIR PINTO: So the delta, then, if you have to subsidize part of those cars you are willing to as the applicant?

Not for this project because we are not asking -- we are asking for a tiny parking reduction, but we are also providing the AC transit passes.

CHAIR PINTO: You did say you were putting in the two cars.

We will create the spaces and we are going to hope that zip car or car share want to put cars in them. Because we don't think there's a high density of their locations in this particular neighborhood.

CHAIR PINTO: Well, the devil's in the details.

S. HAHN: To the car share, put it be put into the two or four new spaces that you would create on the street?

Would the city allow?

S. HAHN: And they are new.

We could ask.

S. HAHN: That could solve the gated problem.

CHAIR PINTO: I was just going to suggest that. Why not?

I don't know of any that are located in the public right of way, but it is certainly a question really for the city. Would they support it? I'm sure that we would support having them out there, and like we would maintain that parklet out there and indemnify the city, we could probably reach some similar arrangements for car share out there. But we have similar conditions for car share and zip car and other garages, and that isn't really an issue for us.

CHAIR PINTO: Okay. Thanks, Mark.

I have some comment cards here. Mary Ann SLUCE and then John Caner and then Kelly Hammargren is up after that. If you haven't filled
out a card, fill out a card if you would like to speak on this. Go ahead, Mary Ann.

   >> Thanks. I had some questions about the density bonus. I realize this project is not taking the density bonus but it is one of the few ways we have left to really compel a developer to provide affordable housing. I realize most people say we don't want it in our neighborhood but I still think we can fix that. I notice that government code 65917 this is below the regular density bonus says that any incentives offered by the city shall contribute significantly to the economic feasibility of lower income housing in proposed housing developments. In the absence of an agreement by a developer in accordance with section 65915, the usual, a locality shall not offer a density bonus or any other incentive that would undermine the intent of this chapter. So for me I'm wondering are we just giving out concessions because it is a mixed use building instead of giving that for affordable housing? Is that a choice the city made? And under state law if you provide three concessions that gives them 15 -- I'm sorry. If they provide 15 percent very low income, that is three concessions. And Berkeley never gives three. They only give two. And we never get past ten percent. So I think there's a way for the city to do 15, and I just think it is unconscionable that we aren't really looking at the state density bonus as a city in the open way. This is one of the most feasible kinds of projects, on a lot of over 20,000 square feet. It benefitted from post-inclusionary housing loss. We had no density control. Very few cities. Maybe one other city had -- suddenly the land value must have skyrocketed. There was no control on the cost of the properties. And we had nothing there. So I think South Berkeley has really been hurt by a series of situations where we just really haven't
analyzed affordable housing and what that has done to the community, my community. Thank you.

>> CHAIR PINTO: Thank you, Mary Ann. Very succinct.

John and then -- okay. I'm sorry. And Kelly you wanted to speak on this.

>> Yeah, I wanted to speak on this. Hi. You know it is a year today -- well actually tomorrow, the 13th, that I have been coming to the zoning board hearings. So I have learned a lot in a year. I still have much more to learn.

On this particular building, in between hearing this at the DRC this evening, we had the special session on the climate action plan with the city council, and we are not doing as well as we should be on our climate action plan. We are just not on target. And with each of these new buildings now, developments, we really should be thinking of being more aggressive so that we can meet our climate action goals. The buildings contribute significantly to our greenhouse gases, so I would like to ask you to think about that with this building.

And that goes to instead of having rooftop open space, we really should be putting our open space on the ground and using our rooftops for solar. Very much concerned about the shadowing from this building. And I just would like to say one more thing about the mixed use. I know this is probably speaking against religion for some people in mixed use. I was at the affordable housing conference town hall earlier this evening and as I walked out in downtown Oakland right across the street is this big complex with ground level residential. And so often we have these great ideas and great plans with the mixed use on the ground floor we will get restaurants in that space or we will get business in that space, and what happens instead is it just remains vacant and becomes dead space. And ground
floor would be a wonderful place to do affordable, accessible housing, handicap accessible housing. So I would like you to be thinking about that.

>> CHAIR PINTO: Thank you, Kelly.

Next up is Elizabeth amber. Elizabeth. Gianna Renuzzi.

>> Yes, my name is Gianna Renuzzi. I live a few blocks away, not further, in South Berkeley, just a couple blocks. Betty e-mailed me and I thought I would come and see what was happening and also learn. And so the questions I have, when you go around, there are some little buildings that people live in and little yards. And so I'm wondering about the setbacks for that, because it used to be that shadows and light were important in our city.

And then Betty wanted to know about affordable housing, because she works behind this -- she works near this development in the skylight place. She works in domes, in that business. And then she also lives behind there in parker. So she was very interested in the affordable housing. And I really liked hearing what the ASUC housing fellow said, Matthew, they don't want any housing unless it is affordable. And I think that means when you have compromises, when you have a building, always have affordable in it because when they talk about the housing fund, I don't know if that's very much money. It doesn't seem like it is very much money because I see all these developments coming up but I never see any affordable housing and this is what people are crying for. So when somebody says the houses aren't for students, it is for everybody. If they can find a roof anywhere, they are trying to find it. So I think that is really dire. And I think it is always good to put a face on the places. The two nonresidential buildings are warehouses that are very important and we need a tax base because there is an airport appliance
there. And I have a house and I buy things and I have three tenants. One is work/trade, so I have affordable. And I don't want to have to go to Emeryville. I like it that that store is there with sales and sometimes you do need things like that. So they will probably move. So to put a face on it would be very interesting. Grassroots house is there too. It is dangerous with the lights.

>> CHAIR PINTO: Gail Garcia.

>> The project includes two live/work units facing Blake Street. Live/work units create dead spaces on the street. I looked at 1,800 San Pablo and 2,700 San Pablo today and their live/work frontages are just as dead today as they were when the projects opened. Please do not allow live/work units in the project.

Airport appliance rents one of the warehouses that will be demolished for the project. I have heard they are looking for another location for their store. So we are likely to be losing yet another good store. The applicants are asking to either provide eight very low income units or pay an in-lieu fee at the low rate the city allows. They are asking to reduce almost every setback requirement and to increase the lot coverage to more than twice what is allowed. They are asking for a great deal. They should certainly be required to actually provide eight affordable units onsite.

>> CHAIR PINTO: Thank you. All right those are all the cards I have. Would anybody else like to speak on this agenda item? Seeing none, I call the applicant back up for any final comments. You'll have two minutes.

>> Thank you, Mr. Chair. As I said, we worked really hard on this project to create setbacks where they really need to be. And I think that when you look at what we have done with the ground plan that this is
going to be a project that works very well with the residences on those two sides.

You know, from an environmental sustainability standpoint, transit-oriented density is the most environmentally sustainable thing that we can do. We are not going to get to a living building challenge with this kind of a building at this point in time. So the only way to make this building greener, really, in any real way, would be to add floors to it, and we are not going to propose that for this project. So I think that's it for the moment, unless the ZAB has some more questions.

>> CHAIR PINTO: Are there any questions for the applicant? Okay. Thanks, Mark. Wait a second, Mark. There's a question.

>> I. TREGUB: Yeah. Thank you. So there were some concerns put up about traffic management. It is hardly what I would call a slow street, and it does front to busy intersections.

Have you lent any thought about mitigating for the possible impacts of that?

>> Our traffic impact analysis shows no impacts, essentially. There's not the warrants to put a traffic signal out there. We think that the parklet actually is a traffic-calming device in as much as the angled parking is as well. So the new streetscape, etc., which is required of all projects, but, no, this project isn't going to generate the kind of traffic that would require us to mitigate.

>> I. TREGUB: Great. Thank you. One comment was about rooftop solar. Is that something that you have considered?

>> Yeah, it is proposed. The arrays are here and here.

>> I. TREGUB: I see. Lastly, what percentage of the roof coverage is that?

>> For the solar panels?
I. TREGUB: Yeah.

I don't know. I could figure it out. Roughly if I'm looking at that roof 15 percent maybe.

I. TREGUB: Just trying to get a sense of proportionality for myself. So I understand that there are two small businesses there currently.

CHAIR PINTO: I just had a question on the solar panel. Mark, because other developers have done a project like this is that prohibitive and it is part of the metering and so forth. What are you doing to enable us, because I think it is enlightening, actually. I'm gratified that you have it, I'm just curious how you have been able to work that in. Is it just powering the common areas?

That's just for general powering of the common areas. But different people have different pro formas. And pro formas are never correct. Not usually. But it just depends on what you are trying to achieve with the vision of your project. And we won't take a project that isn't going to be willing to do solar.

CHAIR PINTO: Go ahead, Igor. I'm sorry to interrupt you.

I. TREGUB: No problem. I understand there are two businesses that lease the space currently, airport appliances and the HUSTED store. I have better experiences with airport appliances than HUSTED's.

We all have.

I. TREGUB: We all have. Can you speak to what the arrangement was, and if there is an attempt to receive subsidies for possible relocation.

For airport, no. We are not going to subsidize airport appliance's loss of warehouse space. But we are talking to them about the
potential -- let me go back -- and this is certainly not anything we are committing to at the moment -- but when you look at our basement space, we have this unexcavated portion right here. There is some conversation happening with them that perhaps that that could be excavated and they could use the subterranean portions that wouldn't be used for the project. That would require us to come back here for a modification, ultimately, but, no, there is not an accommodation for them. And they know the project is coming.

>> I. TREGUB: Actually, if this does get approved tonight, I would support such a modification probably on consent if you can make it work out.

>> Thank you.

>> I. TREGUB: Last question, and probably the biggest. Live/work, because that has a concern, and I live pretty close to 1,800 Delaware. So I have seen what is going on there. How are you going to try to activate the sidewalk so that it is not dead space?

>> Well -- oh. One more thing. I neglected to point out this project is going to provide a whole bunch of storage space for residents as well near the bike area.

Look, there's a huge difference between San Pablo Avenue and this part of Berkeley. I live next to San Pablo Avenue. I know that 1800 Delaware and 2700 San Pablo, those spaces, all, not just the live/work, all of the commercial spaces -- 2700 just finally had a tenant move in on the corner for the first time in the building's ten-year history. Delaware has yet to get a retail use. And I think it is more to do with the location of those projects. But let's talk about how to activate the street. You have to make sure there aren't blinds on the windows like there are at 1800 and 2700. You have to make sure that whatever use is
going to go in there will be a retail-oriented type of use or if it is an office use is an active type of an office use, professional office use. But it has more to do with how you treat the facade of the building and the windows and the permeability between the sidewalk and what is inside, really, than it does with who is in there. We want to see interest. We want to be walking along the street and be engaged by our environs. And to me that speaks more to the design than who might ultimately go in there. Making sure there aren't window coverings, during business hours, was one thing we would try to reduce for this project.

>> I. TREGUB: Thank you. And my last question might actually be for staff but feel free to stay up here. Maybe there is something that you can add. 71 percent lot coverage is I think the most I have ever seen in a project that has come before us.

>> Parker place is actually 100 percent.

>> I. TREGUB: Oh. Okay. Good point.

>> The one at Dwight is pretty close -- well that's a different zoning district. 2701 is probably close to that too.

>> I. TREGUB: There does appear to be a huge amount of misalignment, and I know that the lot coverage will be different depending on whether something fronts a commercial corridor or not. That is question for staff. There truly is a disharmonic context between the 35 percent maximum. And both the lot coverage that was provided before and this.

>> CHAIR PINTO: You know, that sounds like a question for staff, and maybe we will will take it. If there's no further questions for the applicant, thanks, Mark. And we will call you up if there's any others, but I would like to close the public hearing and bring it back for discussion and questions.
While you are looking up that, Richard and then Sophie.

>> R. CHRISTIANI: This project has come really a long ways. When it first came to design review, as Mark presented, there was a podium over almost the entire site. And the existing buildings are built up to the lot lines and basically they were providing a podium that also was built close to the lot lines with a very small setback in the rear. And going through the design review, the discussion was really, just as Mark presented it, was look at putting the parking below grade and adding increased revenue. And basically he took it to heart, it was a very cooperative development team. They came back with a substantially better project. The lobby which used to be on-grade and backed up to the parking garage had no access or visual access to the courtyard. And in all of these residential projects the open space is really the kind of glue or the special portion of the project that the units look into it. And now with the lobby you can see through it into the courtyard. You immediately have a connection to the public portion of it. It alleviated a lot of the setback concerns. In addition, putting it underground, we picked up additional units and also we are getting additional affordable units for the city. And we didn't have to go for an increase in height or other concessions. So it is a dense project. It is adjacent to the Shattuck corridor. Shattuck corridor is being brought up to this level of density, and this is a part of it as kind of a boundary area. So I think it is actually one of the most transformed projects I have seen come through design review. And we tried to hit it all at the very beginning, and it was accommodated. It came up for preliminary design review. These issues were discussed. They made concessions. There was only one other time through design review, and we got it approved. And I think it is a
win-win for everybody. So I support this project and I would make a
motion to approve it.

>> CHAIR PINTO: Thanks, Richard. And thanks for giving the
board the insight and the analysis from design review. That's very
helpful.

Sophie.

>> S. HAHN: Thank you very much for all your work on it. And
thank you to the applicant as well. I would like to second your motion,
but I would like to maybe add a little bit of detail and see if you would
accept it.

So I was going to make a motion to approve it with having a
condition about the car share, adding a condition that if the parklet is
approved and built that the owner is responsible, the project owner is
responsible for maintaining in perpetuity, clarifying the bike parking
issue and the other small matters that I raised to the extent they needed
to be clarified, and including the eight units of affordable housing
onsite. And that would mean that we would get two, two-bedrooms, three,
one-bedrooms, and three studios, which would mean real affordable housing
for people who have very different needs would be built simultaneous to
the project. I would second it if you accepted that. You can take an
amended motion.

>> R. CHRISTIANI: Aren't you proposing an in-lieu fee?

>> S. HAHN: He said either. So I'm putting that condition.

>> CHAIR PINTO: I think it is okay, but I did want to open the
public comment just to get Mark's reaction. I think we are close, but I
think there's a feeling on the board to actually have some actual
affordable housing in this city. We understand -- I think the point you
make about the trust fund is a very good point, Mark. But we do see an
ability, because of the ask here, the lot coverage, the setbacks, there is a lot you are asking for. And I get the sense that some kind of proportionality of affordable units would be amenable in some way because I can see where the motion is heading at this point. I would like to get your reaction.

>>> I appreciate that. Use a Saturday Night Live skit. If you would talk amongst yourself a minute. I'm not sure that we can make that decision here tonight. But I'm going to go into it.

>>> S. HAHN: Right, but we can.

>>> CHAIR PINTO: We might just do it.

>>> I'm not sure because I think that the zoning ordinance provides the applicant the option, and I'm not sure, actually. But let me go check.

>>> CHAIR PINTO: I would like to get staff's input. Why don't we go on.

>>> S. HAHN: I would like to just finish by saying that part of this is in response to what you were saying on the previous project. This is a project that is asking for basically 100 percent more lot coverage than is standard and allowed in this area. And that may be allowable with just a use permit, but it is also a huge concession. And I would like to see the affordable housing onsite as a concession for giving a very large amount of additional lot coverage.

>>> R. CHRISTIANI: Can I respond to that?

>>> CHAIR PINTO: I would like to hear from the applicant. And then, Rich, I'll definitely come back to you.

>>> I don't want to get in the middle. So, yes. You would be granting a concession with a small C by increasing the lot coverage but by I think so instead of getting 40 units you get 80 units, so instead of
getting four affordable units you get eight affordable units. So it is not free of hindrances. What we can agree to tonight is to provide at least half of those onsite and do the other half T other four as either in-lieu or either onsite. And that's kind of what I was thinking, but I confirmed that with my client. So we could do that tonight. And I appreciate that.

>> S. HAHN: Okay. If Mr. Christiani will accept that as my revised second.

>> And we can agree to all the other things.

>> CHAIR PINTO: Mark, you agree to the other things?

>> R. CHRISTIANI: I'll second that but I want to respond.

>> CHAIR PINTO: Hold on a second. Let me clean this up. Thanks, Mark. Richard, go ahead, and then Shoshana.

>> R. CHRISTIANI: Sophie, on my response to the concessions, it is that he came with a project that had above ground parking and far more encroachments and setbacks and other things. He got rid, minimized the setbacks, added units that we get ten percent on top. On a density bonus when you apply for it he could have applied for a density bonus and got an additional concession, say an additional story. He did not do that. He put parking underground, did not go for the additional heights. I'm willing to not as the Zoning Adjustments Board member not consider those upper setbacks because of the concessions he has made by making design a superior design.

>> S. HAHN: But we are good with the four units of affordable onsite and four additional ones that are either/or?

>> R. CHRISTIANI: Yes.

>> S. HAHN: Great.
CHAIR PINTO: I think in a did something but I did want to take the motion. Go ahead, in a.

S. O'KEEFE: Can we keep two of them two bedrooms? That's affordable family housing, that's huge. That's very hard to get.

No.

S. O'KEEFE: No? I was going to ask Mark about it.

CHAIR PINTO: Come on up, Mark.

It has to be a reflection of the mix. So you can't take the --

S. O'KEEFE: That's where we got the three, three, two.

CHAIR PINTO: And I support that it has to be in proportion to the mix. But it is a good try. I appreciate that.

So let's take the motion that we have, and we have a second. It does have a series of amendments, including the car share. And I was hoping you could just read back all the extras, or Sophie do you want to read them back?

S. HAHN: What I had was the car share, parklet, bike parking and possibly I guess the alcohol hours, and including four units of affordable housing onsite and four additional units at the discretion of the applicant.

CHAIR PINTO: Or in-lieu fees.


I. TREGUB: I understand that we are going to be proportional to the mix, the four affordable units. Do I take it that they would also be reasonably dispersed throughout the project since that is a condition?

CHAIR PINTO: I would think that is something that is an automatic, but we can certainly make sure that is in the conditions.
I. TREGUB: Thank you.

STAFF: The only little thing that I want to say is the four units onsite and the four units that may be on site or may be the in-lieu, I want to be mindful not to use the word additional because I don't want it to sound like it is 12 but the total is still 8.2.

S. HAHN: Please use the better language, but that is our understanding. The total is 8.2, that.2 might have to be bought out no matter what, and the four of the eight would be built onsite and four would either be built onsite or bought out at the option of the applicant.

I. TREGUB: And then there's still the .2.

S. HAHN: It is always by that. By law it is dispersed and equivalent and all that.

I think we should vote on this project. Call the question.

CHAIR PINTO: I just want to make sure everyone's satisfied and clear on what we are voting for. Why don't you do a roll call vote.

STAFF: Board Member Donaldson.

Yes.

Williams.

Yes.

Tregub.

Yes.

O'Keefe.

Yes.

Hahn.

Yes.

Hauser.

Yes.

Christiani.
>> Yes.

>> Vice Chair Pinkston.

>> Yes, and thank you.

>> Chair Pinto.

>> CHAIR PINTO: Yes. And 2029 Blake you have your use permit and it is appealable to the city council.
I.A ZONING PROJECT APPLICATION FORM

Effective June 10, 2013

- Administrative Use Permits AUP-2013-
- AUP Modification MODAUP-2013-
- Use Permits UP-2013-
- Variances UP-2013-
- Use Permit Modification MODUP-2013-
- Zoning Reclassification PLN-2013-

Intake Planner ________________ __ Expedites Request

- Project Address: __________ Unit/Suite #: ______

Project Description: Mixed use development with 72 apartments, 2,200 square feet of retail/cafe floor area with a parklet, and three live/work units. A total of 61 on-site parking spaces are provided, as well as 55 bike spaces. Shared and private open space is provided for residents.

- Property Owner Name (Print) __________

Owner's Mailing Address: __________

Daytime Phone # __________ FAX # __________ E-mail: __________

- Applicant Name (or write same): __________

Applicant's Mailing Address: __________

Daytime Phone # __________ FAX # __________ E-mail: __________

For projects involving only the following four items and none of the items on pages 2-3 of this form, please refer to the handout indicated in the right-hand column instead of filling out this form.

1. Converting existing Rental or Tenant In Common (TIC) Units to Condominiums?
   Refer to the “Condominium Conversion Procedures: Guide for Applicants”

2. Demolition of, or exterior modifications to, a designated City of Berkeley landmark, structure of merit, or structure in a historic district?
   Refer to the “Landmark Preservation Commission: Structural Alteration Permit and Design Review Submittal Requirements”

3. Application to designate a landmark, structure of merit or historic district?
   Refer to the “Landmark, Structure of Merit or Historic District Designation Form”

4. Exterior changes (including signs) to (1) any structure (new or existing) in a non-residential zoning district OR (2) a commercial or mixed-use building in the R-4 District?
   Refer to the Design Review Submittal Packet
Submittal Requirements Checklist -- Instructions:

1. Complete the checklist below and sign the bottom of page 3.
2. For each item you check “yes”, provide the submittal requirement indicated in the right-hand column. Refer to the document “I. Zoning Project Submittal Requirements” for further instructions.
3. Label each item with the Submittal Requirement # (i.e., III.A.2) and project address; attach to this form.
4. Submit to a Planner with the appropriate application fee.

<table>
<thead>
<tr>
<th>Does the project include:</th>
<th>No</th>
<th>Yes</th>
<th>Handout / Application Requirement</th>
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</thead>
<tbody>
<tr>
<td>1. Any project requiring a zoning permit?</td>
<td>☐</td>
<td>☑</td>
<td>I. Requirements for all projects</td>
</tr>
<tr>
<td>2. Project includes new structures, additions, exterior alterations, demolition, or changes of use?</td>
<td>☐</td>
<td>☑</td>
<td>II. Requirements for all projects with construction or demolition.</td>
</tr>
<tr>
<td>3. A new main building OR A new building or expansion of a building footprint within 2 feet of a required setback?</td>
<td>☐</td>
<td>☑</td>
<td>III.A.1 – Boundary/Topographic Survey</td>
</tr>
<tr>
<td>4. More than 50 cubic yards of grading?</td>
<td>☑</td>
<td>☐</td>
<td>III.A.2 – Grading Plan</td>
</tr>
<tr>
<td>5. A request to waive or reduce required parking?</td>
<td>☐</td>
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<td>III.A.3 – Parking Survey</td>
</tr>
<tr>
<td>6. A Large Scale Development Project: in a non-residential district with (1) &gt; three stories, (2) a Density Bonus, (3) FAR &gt; 2.00, OR (4) &gt; 10,000 sq. ft. of gross floor area?</td>
<td>☐</td>
<td>☑</td>
<td>III.A.4 – Photo Simulation</td>
</tr>
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<td>8. A new building or story adjacent to a property with a dwelling unit?</td>
<td>☐</td>
<td>☑</td>
<td>III.A.7 – Shadow Study</td>
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<tr>
<td>9. A new building (except accessory buildings/structures)?</td>
<td>☐</td>
<td>☑</td>
<td>III.A.8 – Street Strip Elevation</td>
</tr>
<tr>
<td>10. Creation of condominium units resulting in 5 or more condominium units on the site?</td>
<td>☐</td>
<td>☑</td>
<td>III.B.1 – Housing Affordability Statement</td>
</tr>
<tr>
<td>b. A request for any concessions or incentives in addition to a Density Bonus?</td>
<td>☑</td>
<td>☐</td>
<td>III.B.2.b – Additional Incentives or Concessions Documents</td>
</tr>
<tr>
<td>12. Creation of (1) 10 or more dwelling units, (2) 5,000 sq. ft. floor area, OR (3) 25 or more peak hour vehicle trips?</td>
<td>☐</td>
<td>☑</td>
<td>III.C.4 – Traffic Impact Analysis</td>
</tr>
<tr>
<td>13. One acre or more of impervious surface throughout the project site, including roof area and all paving?</td>
<td>☐</td>
<td>☑</td>
<td>III.C.6 – Storm Water Control Measures</td>
</tr>
<tr>
<td>14. A new building on a site of 10,000 sq. ft. or greater?</td>
<td>☐</td>
<td>☑</td>
<td>III.C.7 – Impervious Surface Questionnaire</td>
</tr>
<tr>
<td>15. A residential project constructing new dwelling units?</td>
<td>☐</td>
<td>☑</td>
<td>III.D.1 – Green Building Checklist</td>
</tr>
<tr>
<td>16. A non-residential project adding or renovating 10,000 sq. ft. or more?</td>
<td>☑</td>
<td>☐</td>
<td>III.D.2 – Energy Efficiency Analysis (Savings by Design)</td>
</tr>
<tr>
<td>17. A project with 2,500 sq. ft. or more of new or renovated irrigated area?</td>
<td>☑</td>
<td>☐</td>
<td>III.D.3 – Berkeley Water Efficient and Bay Friendly Landscape Requirements</td>
</tr>
<tr>
<td>Does the project include:</td>
<td>No</td>
<td>Yes</td>
<td>Handout / Application Requirement</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------------------</td>
<td>----</td>
<td>-----</td>
<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td>18. Demolition of 25% or more of an existing dwelling unit?</td>
<td>☒</td>
<td>☐</td>
<td>III.E.1 -- Structural and Pest Report.</td>
</tr>
<tr>
<td>19. Demolition or major alteration of a structure &gt;40 years old?</td>
<td>☐</td>
<td>☒</td>
<td>III.E.2 -- Structure History</td>
</tr>
<tr>
<td>20. Federal funding, either directly or through the City of Berkeley Housing Trust Fund?</td>
<td>☒</td>
<td>☐</td>
<td>III.F.1 -- Area of Potential Effects (APE) Statement</td>
</tr>
<tr>
<td>21. A new business or new commercial space with a tenant already selected? (Not including a Moderate or Teaching Home Occupation Use, or another related special case as noted by a planner.)</td>
<td>☒</td>
<td>☐</td>
<td>III.F.2 -- Zoning Use Questionnaire</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>You must disclose whether or not any of the following are true of the project:</th>
<th>No</th>
<th>Yes</th>
<th>Handout / Application Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>22. Elimination of any dwelling units</td>
<td>☒</td>
<td>☐</td>
<td>Your application will be referred to the Rent Stabilization Board. No action is required on your part. You may contact them at (510) 981-7368 if you have any questions.</td>
</tr>
<tr>
<td>a. If known, are any of the dwelling units on the property controlled rental units?</td>
<td>☐</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>23. Construction activity within the drip line of a Coast Live Oak tree</td>
<td>☒</td>
<td>☐</td>
<td>III.C.1 -- Arborist Report</td>
</tr>
<tr>
<td>24. A new building in a non-residential zoning district, on a site with a history of soil and/or groundwater contamination or within Toxic Division’s Environmental Management Areas</td>
<td>☒</td>
<td>☐</td>
<td>III.C.2 -- Phase I or II Assessment</td>
</tr>
<tr>
<td>25. A new building or addition in a liquefaction, landslide, or fault zone shown on the “Environmental Constraints Map”</td>
<td>☒</td>
<td>☐</td>
<td>III.C.3 -- Seismic Hazard Investigation</td>
</tr>
<tr>
<td>26. Construction on a parcel that is within 40 feet of an open creek or 25 feet of a culverted creek as defined in BMC 17.08</td>
<td>☒</td>
<td>☐</td>
<td>III.C.5 -- Conformance with Creeks Ordinance, Creeks Submittal</td>
</tr>
</tbody>
</table>

Under penalties of perjury, I certify that the above information is true and complete to the best of my knowledge.

**Applicant Signature:** ____________________________  **Date:** ______________

**Owner’s Signature:** ____________________________  **Date:** ______________
### Attachment 5 - Admin Record

#### Page 372 of 1544

**I.A. ZONING PROJECT APPLICATION FORM**

**Effective June 10, 2013**

<table>
<thead>
<tr>
<th>Does the project include:</th>
<th>No</th>
<th>Yes</th>
<th>Handout / Application Requirement</th>
</tr>
</thead>
<tbody>
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<td></td>
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</tr>
<tr>
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<td>X</td>
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</table>

<table>
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<tr>
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<th>No</th>
<th>Yes</th>
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<tbody>
<tr>
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<td>X</td>
<td></td>
<td>Your application will be referred to the Rent Stabilization Board. No action is required on your part. You may contact them at (510) 981-7368 if you have any questions.</td>
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<td>X</td>
<td></td>
</tr>
<tr>
<td>23. Construction activity within the drip line of a Coast Live Oak tree</td>
<td>X</td>
<td></td>
<td>III.C.1 -- Arborist Report</td>
</tr>
<tr>
<td>24. A new building in a non-residential zoning district, on a site with a history of soil and/or groundwater contamination or within Toxic Division's Environmental Management Areas</td>
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<td>X</td>
<td>III.C.2 -- Phase I or II Assessment</td>
</tr>
<tr>
<td>25. A new building or addition in a liquefaction, landslide, or fault zone shown on the &quot;Environmental Constraints Map&quot;</td>
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<td></td>
<td>III.C.3 -- Seismic Hazard Investigation</td>
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<tr>
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<td></td>
<td>III.C.5 -- Conformance with Creeks Ordinance, Creeks Submittal</td>
</tr>
</tbody>
</table>

---

Under penalties of perjury, I certify that the above information is true and complete to the best of my knowledge.

**Applicant Signature:** [Signature]

Date: **1/24/14**

**Owner's Signature:** [Signature]

Date: **1/24/14**
City of Berkeley Planning and Development Department
2120 Milvia Street
Berkeley, CA 94704

RE: Authorization for Rhoades Planning Group to Act as Agent for 2035 Blake Street, LLC

To Whom It May Concern,

Xin Jin, managing member of 2035 Blake, LLC, hereby authorizes Mark Rhoades and/or Katie Gladstein of Rhoades Planning Group to act as agents for the property located at 2029 to 2035 Blake Street. This authorization applies to all entitlement related activities, submittals and representations.

Sincerely,

[Signature]

Xin Jin
Managing Member
2035 Blake, LLC
2343 Stuart Street
Berkeley, CA 94704

cc: Rhoades Planning Group
ZONING USE QUESTIONNAIRE

Property Address: 12029-2035 Blake Street

Applicant Name: Rhoades Planning Group

Proposed Use: Mixed-use Residential Apartments with Ground Floor Retail/Cafe and Live/Work

Previous Use: Commercial and Retail

Describe your business: Mixed use development with 72 apartments, 3 live/work units, and 2,200 square feet of retail/cafe space. A total of 62 on-site parking spaces are provided.

Name of Property Owner (if different from applicant): 2035 Blake Street LLC

What are adjacent uses (sides and rear?): Commercial, residential

Is this an existing building? Yes ☒ No ☐

If yes, has a Change of Occupancy Inspection been made by the Building and Safety Division? Yes ☐ No ☒

What changes will be made to the building? Demolition and new construction

List days and hours of operation:

- Monday - Thursday: 7AM-12AM
- Friday: 7AM-12AM
- Saturday: 7AM-12AM
- Sunday: 7AM-12AM

Are you renting ☐ leasing ☒ or buying ☒ the property?

Is the transaction contingent on obtaining a Use Permit? Yes ☐ No ☒ Explain: 

How many employees will you have (including yourself)?

- Total: 5-7
- Per Shift: 2-3

How many customers do you expect at one time? 5-10

When will be your busiest hours? 12PM-2PM

Is there an existing parking lot? Yes ☐ No ☒

Do you share it with any other use? 

Will you provide parking for customers? Yes ☒ No ☐

How many spaces? 4 total for commercial

Will you provide parking for employees? Yes ☒ No ☐

How many spaces? 4 total for commercial

Will parking be on the same property? Yes ☒ No ☐

If not, explain: 

From what area do you expect the majority of your customers:

- Adjacent neighborhood ☒
- Immediate neighborhood ☒
- Several neighborhoods ☐
- Passing Traffic ☒
- City-wide ☐
- Larger area ☐

Explain: Retail and restaurant will be neighborhood-serving and attract passing vehicle and pedestrian traffic.
Will you be selling any alcoholic beverages for off-site consumption? Yes □ No □

If yes, have you applied for an off-sale license from the State Department of Alcoholic Beverage Control? Yes □ No □

Will you be selling beverages in containers subject to California Redemption Value (CRV)? Yes □ No □

---

**ESTABLISHMENTS SERVING FOOD OR DRINK**

<table>
<thead>
<tr>
<th>Proposed seating (#)</th>
<th>Maximum allowable capacity under Building Code (#)</th>
</tr>
</thead>
<tbody>
<tr>
<td>5-15</td>
<td></td>
</tr>
</tbody>
</table>

What type of cooking will you feature? TBD

How will cooking odors be controlled? Ventilation per City requirements

What arrangement will be made for recycling? Program per City requirements

---

**Alcoholic Beverages**

Will you serve beer? □ Yes □ No □

Wine? □ Yes □ No □

Liquor? □ Yes □ No □

With meals only? □ Yes □ No □

Separately? □ Yes □ No □

At a bar? □ Yes □ No □

Have you applied for a license from Department of Alcoholic Beverage Control? Yes □ No □

---

**Music**

Will you provide live entertainment? Yes □ No □

Of what type? □

Will there be live music? □ Yes □ No □

Recorded? □ Yes □ No □

Amplified at what level? □ 30db

Will sound control be provided? Yes □ No □

not needed

What are the assurances that sound control will be adequate? □

When will sound controls be installed? □

---

Who is responsible for assuring that the business operates as described above?

[PRINT NAME] □

Signature □

Date □
Will you be selling any alcoholic beverages for off-site consumption?  Yes _____ No  x

If yes, have you applied for an off-sale license from the State Department of Alcoholic Beverage Control? Yes _____ No _____

Will you be selling beverages in containers subject to California Redemption Value (CRV)? Yes _____ No  x

<table>
<thead>
<tr>
<th>ESTABLISHMENTS SERVING FOOD OR DRINK</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed seating (#)  5-15</td>
</tr>
<tr>
<td>What type of cooking will you feature? TBD</td>
</tr>
<tr>
<td>How will cooking odors be controlled? Ventilation per City requirements</td>
</tr>
<tr>
<td>What arrangement will be made for recycling? Program per City requirements</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Alcoholic Beverages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Will you serve beer? x</td>
</tr>
<tr>
<td>With meals only? x</td>
</tr>
<tr>
<td>Have you applied for a license from Department of Alcoholic Beverage Control? Yes _____ No  x</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Music</th>
</tr>
</thead>
<tbody>
<tr>
<td>Will you provide live entertainment? Yes _____ No  x</td>
</tr>
</tbody>
</table>

| Will there be live music? | Recorded? x | Amplified at what level? 30db |
| Will sound control be provided? Yes _____ No  not needed |
| What are the assurances that sound control will be adequate? |
| When will sound controls be installed? |

Who is responsible for assuring that the business operates as described above?

[PRINT NAME] NATHAN GEORGE

Signature ________________________ Date 1/24/14
**TABULATION FORM**

### Project Address:
2020-2035 Blake Street, Berkeley

### Applicant’s Name:
Rhoades Planning Group

### Zoning District:
C-SA

Please print in ink the following numerical information for Use Permit, Variance, and other Zoning Ordinance related permit applications:

<table>
<thead>
<tr>
<th>Category</th>
<th>Existing</th>
<th>Proposed</th>
<th>Permitted/Required</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Units: Parking Spaces</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of Dwelling Units</td>
<td>0</td>
<td>72</td>
<td>N/A</td>
</tr>
<tr>
<td>Number of Parking Spaces</td>
<td>22</td>
<td>62</td>
<td>61</td>
</tr>
<tr>
<td><strong>Yards and Height</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Yard Setback</td>
<td>0'</td>
<td>0-4'</td>
<td>15' (may reduce w/ UP)</td>
</tr>
<tr>
<td>Side Yard Setbacks</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Left:</td>
<td>0'</td>
<td>0'</td>
<td>5' (may reduce w/ UP)</td>
</tr>
<tr>
<td>Right:</td>
<td>0'</td>
<td>0'</td>
<td>5' (may reduce w/ UP)</td>
</tr>
<tr>
<td>Rear Yard Setback</td>
<td>0</td>
<td>8'</td>
<td>15' (may reduce w/ UP)</td>
</tr>
<tr>
<td>Building Height*</td>
<td>1</td>
<td>5</td>
<td>3 (may modify w/ UP)</td>
</tr>
<tr>
<td>Average*</td>
<td>&lt; 18'</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Maximum*</td>
<td>18'</td>
<td>60'</td>
<td>36' (may modify w/ UP)</td>
</tr>
<tr>
<td><strong>Areas</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot Area</td>
<td>22,688 s.f.</td>
<td>22,688 s.f.</td>
<td>22,688 s.f.</td>
</tr>
<tr>
<td>Gross Floor Area*</td>
<td>15,162 s.f.</td>
<td>68,350 s.f.</td>
<td>90,752 s.f.</td>
</tr>
<tr>
<td>Total Area Covered by All Floors</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Footprint*</td>
<td>14,974 s.f.</td>
<td>20,789 s.f.</td>
<td>NA</td>
</tr>
<tr>
<td>Total of All Structures</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot Coverage*</td>
<td>66%</td>
<td>92%</td>
<td>NA</td>
</tr>
<tr>
<td>(Footprint/Lot Area)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Useable Open Space*</td>
<td>N/A</td>
<td>14,379</td>
<td>3,000</td>
</tr>
<tr>
<td>(SqFt.)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Floor Area Ratio*</td>
<td>.66</td>
<td>3.3</td>
<td>4</td>
</tr>
<tr>
<td>Non-Residential Projects only</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(except ES-R)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*See Definitions – Zoning Ordinance Title 23F.*
Overview and Project Introduction

Rhoades Planning Group is pleased to present this proposal for The Roost @ Blake, a new mixed use infill development project located at 2029-2035 Blake Street. The project will build on the character of the neighborhood, which includes mixed-use developments and commercial spaces on Shattuck Avenue and side streets, as well as a residential neighborhood to the west. The project will include ground floor commercial space, as well as three ground-floor live-work units. The upper floors will provide high-quality residential apartment units with numerous community amenities.

The project site is designated as Avenue Commercial in the City’s General Plan, and fulfills the goals of the Avenue Commercial designation, which is characterized by pedestrian-oriented commercial development and multi-family residential structures. Goals within areas designated as Avenue Commercial include supporting a vibrant pedestrian-oriented area that serves residents and provides necessary goods and services. The site is zoned South Area Commercial (C-SA), and furthers the goals of the South Berkeley Area Plan including enhancement of economic development and encouragement of mixed use developments, which are more appropriate in scale and character to South Berkeley than large single use projects, and which welcome additional residents to contribute to the local commercial market (see South Berkeley Area Plan, pages 40-42).

Additionally, the project site is ½ mile (a 10 minute walk) from the Downtown Berkeley BART station, and is adjacent to a number of AC Transit bus lines, as well as City of Berkeley bicycle routes. Therefore, the project contributes to Berkeley’s Climate Action Plan goals of providing housing in locations close to goods and services, and oriented to use of public- and active-transportation, serving to reduce the City’s overall per capita carbon footprint.
Project Description

The proposed development project is a five-story mixed-use building that includes ground floor commercial retail or quick- or full-service restaurant space, intended to serve surrounding neighbors which include both residential, office, and commercial uses. The ground floor also includes three live/work spaces, which will help to activate the street and continue to encourage the diversity of uses that already exists in the neighborhood, while creating opportunities for entrepreneurism and a zero-commute lifestyle for those who are able to live, work, and fulfill basic personal and business needs in Downtown Berkeley and the South Shattuck area. The total floor area of the proposed project per Zoning Ordinance definition is 68,350 square feet.

Ground level car and bicycle parking will be provided in a garage at the rear of the lot. The project includes 72 studio, one- and two-bedroom apartments on the levels above. Shared and private open space is provided in a podium level courtyard, and on private balconies and roof decks.

The building will provide a number of amenities for residents, including significant bicycle parking, a bicycle fix-it station, and a large shared courtyard that will include a resident outdoor kitchen and dining areas, fireplace, fountain, and a dog run. A common roof deck at the fourth floor will also be available to residents.

A total of six below market rate units are required for the project consistent with the City of Berkeley Inclusionary Housing requirement (10% of market rate units @ 60% AMI), as well as an in-lieu fee for .6 of one unit.

The project provides 61 at-grade parking spaces for residents of the project, live/work tenants, and commercial employees/patrons using parking lifts. Parking will be accessed via a driveway from Blake Street at the west side of the site, and will use lifts for a total of 54 residential parking spaces, meeting the requirement of the C-SA zoning district. Residential parking spaces will be unbundled from the
Apartments, meaning that residents may choose whether or not to rent a parking space. The project will also provide three parking spaces for live/work units, and five parking spaces for the commercial use, meeting all parking standards.

Additionally, the project will include 52 secure bicycle parking spaces and a bicycle fix-it station in a secured area accessible from the garage and the residential lobby. The garage driveway will be painted with bicycle sharrows striping and include exterior signage welcoming bicyclists into the garage space, in order to make bicycle transportation increasingly comfortable and attractive for residents. Further, each residential unit will be provided with two free AC Transit passes, and all parking will be unbundled from the residential units.

The project will also add three on-street parking spaces due to the removal of two existing curb cuts. The project will also use two on-street parking spaces to create a small public parklet for use by patrons of the new commercial space and live/work spaces, as well as patrons and office workers from neighboring buildings.

The project will use green building features including solar residential hot water, solar PV ready, and flow-through planters or a bio filtration area.

The project will include demolition of two existing structures currently used for commercial warehousing and storage. A total of 375 cubic yards of earth will be removed from the site to excavate for new foundations. No basement is included as part of the project.

Use Permits Requested

1. 22.12.060(UPPH) – Demolition Permit for Existing Commercial Structures.
2. 23E.52.030.A (UPPH) – Mixed Use Developments (Residential/Commercial) 5,000 sq. ft. or more
3. 23E.52.050 (UP) – Construction of gross floor area more than 3,000 sq. ft.
5. 23E.04.050 (UPPH) – Modify Yard Requirements Adjacent to a Residential Zone
6. 23E.52.030.A (AUP) – Quick/Full Service Restaurant under 5,000 sq. ft.
7. 23E.52.030.A (AUP) – Alcoholic Beverage Service of beer and wine incidental to food service
8. 23E.52.030.A (UPPH) – Live/Work Units
9. 23E.04.020 (AUP) – Rooftop Equipment

CEQA Determination

This project is expected to be exempt from CEQA pursuant to Section 15183.3: Streamlining for Infill Projects. This project meets the eligibility requirements for Infill Streamlining as follows:

- The project site is located in an urban area on a site that has previously been developed;
- The project site is located within ½ mile of a major transit corridor and satisfies the performance standards of Appendix M of the CEQA Guidelines – The project site is located within ½ mile of 5 AC Transit bus stops, including the AC Transit 18 bus line, which runs every 15 minutes during commute hours and brings passengers quickly to the Downtown Berkeley BART station. Additionally, the project is within ½ mile of the AC Transit 800 bus line, which is an all-night...
transbay bus line. The project is also ½ mile from the Downtown Berkeley BART station, or an approximately 10 minute walk.

- The Project is consistent with the general use designation, density, building intensity, streetscape and applicable policies specified for the project area in the City’s Zoning Ordinance, specifically with the C-SA zoning district, and South Berkeley Area Plan and South Shattuck Strategic Plan.
- A traffic and parking study prepared for the site by Abrams Associates, included as part of this application package, shows no significant transportation or parking impacts.
- A Phase I environmental analysis prepared by International Geologic LLC, and included as part of this application package, does not indicate the need for a Phase II report, nor for any measures beyond the City of Berkeley’s generally applicable site standards.
- A Historic Resource Evaluation prepared by Preservation Architecture, and attached as part of this application package, evaluates the existing buildings against the criteria employed to determine eligibility for listing on the California Register of Historical Resources and as City of Berkeley Landmarks and Structures of Merit. The report indicates that the existing buildings are not eligible for designation on the basis of any cultural value, and are not architectural examples worth preserving as part of the neighborhood.
- The shadow studies conducted for the project show that the proposed structure will create some increased morning shading for apartment buildings to the north and west of the project site, but not to a significant degree.
- The proposed building is solar ready.

Zoning and Architectural/Building Amenity Program

The project is a five-story mixed-use building containing commercial and live/work space, residential apartment units and open-space for residents, and vehicle and bicycle parking.

The project’s ground floor includes one commercial space 2,220 square feet in size. This space is intended as a small neighborhood-serving café, based largely on interest expressed by business owners and office tenants of the building across Blake Street from the project site.

<table>
<thead>
<tr>
<th>Standard (BMC Section 23E.52)</th>
<th>Existing</th>
<th>Proposed Total</th>
<th>Permitted/Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area (sq. ft.) – Total</td>
<td>22,688</td>
<td>22,688</td>
<td>NA</td>
</tr>
<tr>
<td>Commercial Floor Area (sq. ft.)</td>
<td>15,162</td>
<td>2,200</td>
<td>NA</td>
</tr>
<tr>
<td>Residential Floor Area</td>
<td>0</td>
<td>54,499</td>
<td>NA</td>
</tr>
<tr>
<td>Live/Work Floor Area</td>
<td>0</td>
<td>3,118</td>
<td>NA</td>
</tr>
<tr>
<td>Gross Floor Area (sq. ft.) – Total</td>
<td>15,162</td>
<td>68,350</td>
<td>NA</td>
</tr>
<tr>
<td>Floor Area Ratio</td>
<td>0.66</td>
<td>3.3</td>
<td>4 Max</td>
</tr>
<tr>
<td>Dwelling Units</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Affordable</td>
<td>0</td>
<td>6.6</td>
<td>6 Min</td>
</tr>
<tr>
<td>Total</td>
<td>0</td>
<td>72</td>
<td>NA</td>
</tr>
</tbody>
</table>
A large residential lobby is accessible from the sidewalk just west of the commercial space. The lobby provides access to the elevator and stairs, and will feature a large skylight to bring natural light to the lobby from the courtyard above. Residents will be able to walk through this lobby to access the garage, common laundry facilities, large bicycle parking room with space for 52 bicycles, as well as a bike fix-it station that allows residents to perform bike maintenance conveniently in the building.

Adjacent to the residential lobby are three individual live/work spaces ranging in size from 885 square feet to 1,318 square feet. Each live/work space will include a mezzanine, allowing tenants to maintain separation between living space and professional studio or office space.

Vehicle parking will be in a garage at grade level, at the rear portion of the lot behind the street-facing commercial, live/work, and lobby spaces. This garage will be accessible via a driveway from Blake Street at the western side of the site. Parking will use stacking lifts to provide a total of 64 parking spaces, meeting the Zoning Ordinance requirements for residential and live/work parking and slightly exceeding the requirement for commercial parking, as shown in the table below. The calculation for commercial parking assumes the commercial space will be a food-service use, and therefore assumes the most conservative parking requirement.
Additionally, the project will add three on-street parking spaces due to the removal of two existing curb cuts. The project will also proposes the use of two on-street parking spaces to create a small public parklet for use by patrons of the new commercial space and live/work spaces, as well as patrons and office workers from neighboring buildings. This results in one net new on street parking space.

The second through fifth levels of the project will support a total of 72 residential apartment units, including studio, one- and two-bedroom units. The unit mix is reflected in the adjacent table.

Residential units at the second floor will pull back considerably from the rear and side property lines, paying special attention to areas where existing adjacent residential structures are closest to the project site. These second floor setbacks create large private patios on the east and west edges of the podium and ground levels. The project will pull back extensively above the podium from the rear property line at the middle of the project site to create a large shared courtyard for residents. Landscaping and programming for this shared open space will include a resident cooking and dining area, fountain, and dog run, creating spaces that are available for active use by residents while protecting privacy and quietude for adjacent residents and apartment units facing into the courtyard.

At the fourth floor, the building will pull away from neighbors at the southwest and southeast corners, creating large private decks for residents. The fourth floor will also include a shared roof deck for residents near the middle of the building facing onto Blake Street. This shared space will allow all residents to enjoy views and sunlight, and will also create a notch in the total building massing to bring sunlight in to the shared courtyard.

Units on the fifth floor are set back from the fourth floor to create private decks for residents and concentrate the building’s height towards the middle of the site, away from adjacent buildings. Most fifth floor units will include small staircases to mezzanine areas that allow access to private roof decks.

With the abundance of private patios and roof deck areas, the project well exceeds open space requirements of the Zoning Ordinance, as reflected in the table above.

The Roost @ Blake is a new mixed-use building in a mixed-use neighborhood. It creates a much-needed transition from the robust activity at Shattuck Avenue to the residential and commercial neighborhood beyond. Generous setbacks at residential floors to neighbors at the side and back provide a spatial buffer, while varying building heights provide articulation at the facades and concentrate massing away from neighbors. Commercial space at the ground floor sits adjacent to a new public parklet, and live/work spaces open to the street. The street-facing edge of the building is modulated by bays and recesses, which anchors the building in the existing streetscape. New street trees and sidewalk planting further enhance the pedestrian experience.
Residential units are oriented to take advantage of both bay and hill views, and many units have private patios and balconies. A range of shared open spaces, both expansive and intimate, create a sense of community in this new residential development.

**Policy Analysis**

The site is designated by the City of Berkeley’s General Plan as ... The proposed project fulfills the following policies of the General Plan:

- **Policy LU-3 Infill Development**: Encourage infill development that is architecturally and environmentally sensitive, embodies principles of sustainable planning and construction, and is compatible with neighboring land uses and architectural design and scale. (Also see Urban Design and Preservation Policies UD-16 through UD-24.)

This is a true infill development project, which will redevelop two underutilized commercial buildings and a parking lot to create a vibrant residential address with an attractive pedestrian atmosphere supported by neighborhood commercial space, live-work space, and a public parklet. The project’s architecture uses changes in material and scale to break up the building’s massing and to concentrate height away from adjacent neighbors and to maintain sensitivity with the diversity of surrounding uses and building forms. The project is environmentally sensitive in its provision of housing opportunities in proximity to services and public transportation, in its provision of two free transit passes to every unit as well as abundant bicycle parking and bicycle-friendly amenities, and in its building materials and systems, which include solar residential hot water, solar PV ready, flow-through planters or a biofiltration area, and solar shading at the south and west sides.

- **Policy LU-27 Avenue Commercial Areas**: Maintain and improve Avenue Commercial areas, such as University, San Pablo, Telegraph, and South Shattuck, as pedestrian-friendly, visually attractive areas of pedestrian scale and ensure that Avenue areas fully serve neighborhood needs as well as a broader spectrum of needs.

The project will improve the South Shattuck Avenue Commercial area by creating a visually attractive mixed-use building that supports increased housing opportunities, neighborhood-serving commercial space, and live/work spaces that provides unique space and allows people to both live and work on South Shattuck, helping to secure it as a mixed-use neighborhood. A small public parklet and architectural design, including bays and vertical elements to break up the experience of the building from the sidewalk, will support an attractive pedestrian scale.

Additionally, the project meets a number of goals of the South Berkeley Area Plan and South Shattuck Strategic Plan.

**South Berkeley Area Plan**

The project is in the northeastern corner of the area covered by the 1990 South Berkeley Area Plan. This plan indicates that desirable businesses for South Berkeley include eating places, bakeries, coffee shops, and a variety of retail uses such as book stores, stationary stores, home furnishings, and others (p. 28). Due to the size of the project’s commercial space, it will be most suitable for a tenant similar to those described in the Plan, such as a small coffee shop or bakery.
The Plan also discusses the importance of strengthening the commercial sector without displacing existing businesses (p. 40). The project site is currently being used as storage for two existing commercial uses (Hustead’s Collision Center and Airport Appliance). These two businesses already have their main locations somewhere else so will only need to find new storage spaces somewhere else.

Goal 3 of the Plan, to maintain and expand South Berkeley’s housing stock, includes implementation policies such as Policy 3.6, encouraging mixed use development along major commercial corridors (p. 55). The proposed project implements this policy, helping to expand housing opportunities on the South Shattuck commercial corridor. Additionally, as a strategy for constructing new housing units, mixed use development is identified as both common and desirable, and indicates that the zoning in this area is aimed at encouraging locally serving mixed use development, as such development consolidates and maximizes use of limited space, and provides residential units in close proximity to shopping. Therefore, the proposed project implements this strategy for improving housing opportunities.

**South Shattuck Strategic Plan**

The project site is included within the 1998 South Shattuck Strategic Plan as part of Target Area 1, which includes commercial properties along Shattuck from Dwight Way to Ward Street (p. 7). Strategy Two of this Plan encourages the reuse of vacant and underdeveloped sites in Target Area 1 as mixed-use buildings with retail below and residential above. The Plan encourages this type of development in order to add residents to the corridor who would patronize businesses in the area, and to attract residents with potentially low auto usage because of access to transit and services, as well as improve public safety by providing ‘eyes on the street’ (p. 23).

The first urban design strategy for Target Area 1 cited in the Plan is to enhance pedestrian orientation through upgraded and expanded streetscape improvements (p. 25). The project at 2035 Blake Street will improve the pedestrian experience significantly. First, the project replaces two boxy storage warehouses and a surface parking lot with a building with architectural character and quality materials, with active street-fronting uses, including commercial space closer to Shattuck Avenue and live/work space further down Blake Street. Additionally, new landscaping, street trees, and a public parklet will create an attractive place for customers, residents, and neighbors to stroll and sit on Blake Street.

**Project Setting**

The project site is located on the north side of Blake Street, just off of Shattuck Avenue, between Shattuck Avenue and Milvia Street. The site is comprised of three lots that together have an area of 22,688 square feet. The site currently contains two commercial buildings: 2035 Blake supports 6,832 square feet of commercial space, currently used by Airport Appliance for product storage, and the 8,330-square

<table>
<thead>
<tr>
<th>Address</th>
<th>Parcel</th>
<th>Lot Size</th>
<th>Zoning</th>
<th>Ex. Use</th>
<th>Ex. Bldg. Area</th>
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<tbody>
<tr>
<td>2039 Blake</td>
<td>055 182200900</td>
<td>8,330 sf</td>
<td>C-SA</td>
<td>Hustead’s storage</td>
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<td>2033 Blake</td>
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<td>0</td>
</tr>
<tr>
<td>2035 Blake</td>
<td>055 182200802</td>
<td>6,832 sf</td>
<td>C-SA</td>
<td>Airport Appliance storage</td>
<td>6,832 sf</td>
</tr>
</tbody>
</table>
foot building at 2029 Blake Street, as well as the parking lot in between the two existing buildings, are currently used by Hustead’s Collision Center, Inc.

The site is zoned C-SA, South Area Commercial District. The site is located ½ mile from the Downtown Berkeley BART station (an 11 minute walk), and 0.8 miles from the Ashby BART station, and is proximate to numerous frequently-running bus lines.

Blake Street is a wide street which, on this block just off of Shattuck Avenue, supports a diversity of uses and building intensities. Across Blake Street, south of the project site is a two-story commercial building with an exercise facility and medical supply store, with office space above, adjacent to a multi-family apartment building. Directly east of the site are the rear walls of the one- and two-story commercial buildings facing Shattuck Avenue, including the commercial building at the corner of Shattuck and Blake, Airport Home Appliance, and a nail salon located in the J&L Laundry building. North of the site are the rear walls of two three to four-story multi-family apartment buildings, as well as one rear unit built proximate to the project’s rear property line. East of the project site is a two-story small multi-family residential building.

The proposed project will create a condition for these northern and eastern residential neighbors that is similar to the existing condition, and in some ways an improvement, as the podium level will be set back eight feet further from the rear than the existing warehouse buildings, and beginning at the second level the building massing will pull back significantly from these neighboring residential buildings. Adjacent parcels are zoned either R-4 in the Multi-Family Residential district for relatively high density residential use, or C-SA in the South Area Commercial District, as shown in the table above.

Structure History

There are two existing structures on the site. A Historic Resource Evaluation prepared by Preservation Architecture, attached as part of this application package, evaluates the existing buildings against the criteria employed to determine eligibility for listing on the California Register of Historical Resources and as City of Berkeley Landmarks and Structures of Merit. The report indicates that the existing buildings are not eligible for designation on the basis of any cultural value, and are not architectural examples worth preserving as part of the neighborhood.

Green building requirements (III.A – Zoning Project Submittal Requirements)

The proposed project is designed to be environmentally sustainable and will be GreenPoint Rated or equivalent. Many components of the project will contribute to its environmental sustainability, including the density and transit orientation, mixed-use character, interior and exterior finishes and materials, solar residential hot water, flow-through planters or a biofiltration area, solar shading at the south and